United Nations CEDAW/C/IRQ/7

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
15 August 2018
English
Original: Arabic
Arabic, English, French and Spanish only

Committee on the Elimination of Discrimination against Women

Seventh periodic report submitted by Iraq under article 18 of the Convention, due in 2018*

[Date received: 26 July 2018]

* The present document is being issued without formal editing.

18-13465 (E) 110918 081018

Please recycle

Contents

		Page
I.	Introduction	3
	A. Report preparation process	3
	B. Crimes committed in Iraq by Islamic State in Iraq and the Levant (ISIL) after 9 June 2014	4
II.	Information on implementation of the provisions of the Convention and the Committee's concluding comments	5

I. Introduction

1. Iraq submitted its combined fourth, fifth and sixth reports in a single document, pursuant to article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The report was discussed at the 1197th and 1198th sessions of the CEDAW Committee, held on 18 February 2014, and a set of concluding observations and recommendations were produced.

2. Pursuant to CEDAW/C/IRQ/CO/4-6/Add.1, Iraq submitted a report to the CEDAW Committee on 9 March 2016, containing information on the steps taken to implement the recommendations in paragraphs 12 and 18 of the concluding observations.

3. Under article 18, paragraph 1(b) of the Convention, the Republic of Iraq hereby submits its seventh periodic report on CEDAW to track progress achieved in implementing the Convention and the Committee's concluding observations.

A. Report preparation process

4. The report preparation process involved a number of stages, as follows:

(a) Preparatory: The focus at this stage was on the formation of a ministerial subcommittee on 10 January 2017, chaired by the undersecretary of the Ministry of Justice and with a membership consisting of several ministries. The subcommittee was formed to draft the seventh periodic report and circulate the concluding comments of the CEDAW Committee to the relevant ministries and bodies. The subcommittee took part in a workshop organized by the Department of Women's Empowerment of the Cabinet Secretariat in coordination with the Al-Amal Association, a civil society organization, to determine the mechanism for writing the national report, implementing the recommendations and preparing the report.

(b) Information collection: The information needed for the report was collected and a number of subcommittee meetings held to review it. Note that the information collection stage continued up until the date the report was submitted to ensure up-to-date information.

(c) Drafting: The information was arranged by topic and an initial draft produced. The stage concluded with the preparation of a draft report by the subcommittee and its submission to the central committee.

(d) Review and approval: A meeting of the central committee was held to discuss and adopt the draft report, which was then submitted to the Cabinet for approval and, finally, submission to your Committee.

5. This report contains the measures taken by the Republic of Iraq to implement the concluding observations and apply the articles of the Convention.

6. In 2014, Iraq held elections for the Council of Representatives. With a turnout of 62 per cent, 12,619,599 voters elected 328 parliamentary deputies out of 9,037 candidates, of whom 6,434 were men and 2,604 women. Women obtained 25 per cent of parliamentary seats.

7. Details of the 2014 Council of Representatives election process can be found in annex I.

B. Crimes committed in Iraq by Islamic State in Iraq and the Levant (ISIL) after 9 June 2014

8. In June 2014, Iraq came under violent attack from ISIL terrorist gangs. These gangs committed a wide range of atrocities against the Iraqi people in general and certain ethnic and religious groups in particular.

9. They were responsible for killing, torture, abduction, rape, sexual slavery and forced religious conversion. They recruited children as soldiers and used women and children as suicide bombers and human shields. They carried out a policy of scorched earth and held public executions. These are crimes punishable by law.

10. These criminal gangs committed atrocities against ethnic groups, such as Christians, Turkmen, Sabean Mandaeans and Yazidis, including the following:

- Crimes against life and bodily integrity (killing and torture);
- Forced migration and displacement;
- Targeting of minorities;
- Destruction of antiquities, cultural heritage and religious sites;
- Restriction of public freedoms;
- Economic and health-related violations;
- Sexual slavery;
- Enslavement and slave trading (trafficking);
- Trading and smuggling of natural resources (oil) and antiquities.

11. Their crimes include the killing of 450 inmates of Badush prison, the execution of hundreds of soldiers in Ninawa governorate, the execution of 1,700 cadets at Camp Speicher in Salah al-Din governorate and the execution of 175 Iraqi air force cadets at an airbase in Tikrit, throwing some of the bodies into the Tigris. They committed the most heinous crimes against minorities, particularly Yazidis, Christians and the Shabak, including the sexual enslavement of thousands of women from the Yazidi community and other minority groups. During the liberation, these terrorist gangs used civilians as human shields to obstruct the advance of government forces, which were often forced to fight on foot in order to safeguard civilian lives.

12. Women in areas under the control of ISIL terrorist gangs were subjected to various forms of barbarism, including murder, abduction, forced religious conversion and being sold as spoils of war. Many women endured rape and other forms of sexual violence.

13. In the areas under their control, ISIL terrorist gangs engaged in the systematic abduction and enslavement of Yazidi, Turkmen, Christian and Shabak women and girls. Around 950 Yazidi women and girl captives were able to escape but the terrible psychological suffering they endured as a result of rape, sexual abuse, forced marriage and resulting pregnancy and abortion had a damaging effect on their health and caused several to commit suicide.

14. Some 400 women were tortured and executed for refusing to obey the orders of ISIL gangs to engage in sexual jihad (*jihad al-nikah*). Among these women were several doctors, teachers, lawyers and journalists.

15. ISIL treated civilians brutally. Making no distinction between men and women, children and old people, it used them all as human shields. Women and children who

tried to reach safe areas under government control were shot by ISIL snipers and liberated civilian areas were targeted with mortar fire.

16. Final victory over ISIL was achieved when the Iraqi armed forces drove them out of Mosul, Qai'm, Rawah and Huwayjah, bringing to an end the darkness under which the population of these and other areas lived while the criminal terrorist gangs were in control. Victory was the product of Iraqi unity and the wise leadership of the Government. It was achieved by the Iraqi armed forces, praised by the international community for their stated mission of the liberation of people before the liberation of land.

II. Information on implementation of the provisions of the Convention and the Committee's concluding comments

Recommendation 8

17. Between 2014 and the time this report was written, several pieces of legislation relating to human rights as well as a number of laws were promulgated. These may be found in annex II.

Recommendation 10

18. The Iraqi National Security Strategy was launched on the basis of the vision of a secure and stable Iraq in which Iraqis are able to live in safety and comfort in a federal, democratic State that respects human rights and cultural, religious and national identities and promotes international peace and security. The strategy seeks to ensure vital national interests in the fields of security, defence, foreign policy, the economy, information security, telecommunications, energy and natural resources; the strategy also contains several administrative, cultural and social goals.

19. The Iraqi National Security Strategy contains policies designed to reform the security and defence agencies and to complete capacity-building, including:

- Reform, development, restructuring, re-equipping and training of combat formations to enable them to undertake the defence and liberation of towns and occupied areas, ensure their professionalism, effectiveness and optimum use of available resources and build the confidence of the population in the armed forces;
- Overhaul of the system of leadership training and reform of the systems of training, upgrading, supply, promotion, planning and dealing with civilians while respecting human rights;
- Reform and development of internal security;
- Raising the competence of all agencies fighting organized crime;
- Appointment of Ministry of Interior investigating and law enforcement bodies; review and development of the qualifications required by criminal investigation officers; protection of human rights.

20. The Ministry of Interior, in the form of the office of the Inspector General, organizes courses to stamp out financial and administrative corruption. These courses provided, inter alia, instruction on observing the human rights content of international charters and Iraqi legislation. In 2015, 20 courses were held in Baghdad for some 700 male and female staff, while 110 courses were held in the provinces for 5,500 staff. In 2016, the Ministry of Interior organized 36 courses, attended by 1,229 male and female staff. Two courses on gender attended by 96 male and female staff were also organized.

21. The following statistics show the number of women working in the Ministry of Interior in 2016:[1]

- Officers: 273
- Non-commissioned officers: 853
- Lower ranks: 6,352
- Cadets: 44
- Civilian employees: 2,516
- Contract staff: 11
- Total: 10,049

22. The Ministry of Defence is an independent entity with no party political or sectarian bias. It is engaged in the fight against all illegal terrorist groups that put the lives and property of civilians within its areas of responsibility at risk. All applicants must undergo a medical examination and security check before joining the Ministry.

23. The Human Rights Department of the Ministry of Defence, in coordination with national and international human rights bodies, seeks to raise staff awareness of how to deal with unarmed civilians in a humane and civilised way.

24. The Iraqi army protects civilians in its areas of operations without discrimination and allocates units to safeguard places of worship, schools, hospitals and government facilities from terrorist attack.

25. The Iraqi Government prioritised human rights frameworks and the rule of law in its 2014 programme, making great efforts to impose security and the rule of law on Iraqi territory by conducting operations to liberate areas under the control of ISIL terrorist gangs and ensure the safety of the population. These included operations to liberate areas in the governorates of Diyala, Salah al-Din and Anbar, as well as Ninawa. The Government set up camps for displaced persons from those areas and provided them with the essentials of life, without discrimination. Furthermore, all Iraqi forces receive a high level of training in human rights and international humanitarian law and are trained to deal with emergencies in a way that respects the rights and freedoms set out in international human rights conventions. All ranks were respectful of the humanitarian aspect during the recent war against terrorist organizations, in terms of the timings of operations in urban areas, the tactics employed and the concern to avoid civilian casualties, as far as possible. While advancing in the field, the security forces were anxious to deny ISIL the opportunity of using civilians as instruments of war or human shields, even if this often forced them to delay attacking a terrorist stronghold in order to protect civilian lives. Furthermore, Iraqi forces created humanitarian corridors to allow civilians to leave the battle zone and provided them with shelter. In his briefing on the situation in Iraq before the Security Council on 2 February 2017, the Special Representative of the Secretary-General for Iraq, Mr Ján Kubiš, applauded the courage of the Iraqi security forces, including the anti-terrorism units, army, police, popular mobilisation forces, Peshmerga and local volunteers. He urged the international community, including Iraq's regional partners, to assist the country following its military victory over the terrorist groups. The Special Representative also noted that Iraq had adopted a humanitarian approach to operations in the fight against ISIL, prioritising the protection of civilians. He further called on the political blocs in parliament, civil society and other stakeholders to cooperate with the Prime Minister to accelerate the reform agenda.

[1] Source: Ministry of Interior.

26. The Iraqi judiciary is the third branch of the country's constitutional bodies. It is an independent apparatus under to the Constitution, article 87 of which stipulates: "Judicial authority is independent. The courts, in their various types and levels, shall assume this authority and issue their rulings in accordance with the law." Article 88 further clarifies: "Judges are independent and there shall be no authority over them save the law. No authority shall have the right to interfere with the judiciary and in affairs of justice."

27. Under article 89, the federal judiciary consists of the Supreme Judicial Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Service, the Judicial Oversight Commission and other federal courts regulated in accordance with the law.

28. Articles 90 and 91 of the Constitution stipulate that the Supreme Judicial Council shall oversee the affairs of judicial bodies, as follows:

1. Administer the affairs of the judiciary and supervise the federal judiciary;

2. Nominate the president and members of the Federal Court of Cassation, the Chief Public Prosecutor and the head of the Judicial Oversight Commission and present these nominations to the Council of Representatives for approval;

3. Propose the draft annual budget of the federal judiciary and present it to the Council of Representatives for approval.

29. Article 19 (first) of the Constitution affirms: "The judiciary is independent and no power is above the judiciary save the law". This principle applies to all judicial business, including investigation of allegations of corruption, and underpins the laws in force, including the Supreme Judicial Council Act and Public Prosecution Service Act. The Constitution further affirms equality between Iraqis before the law and guarantees the right to a trial conducted in Iraq in accordance with the principles of the Constitution and Code of Criminal Procedure.

30. The Council of State Act No. 71 (2017) was promulgated to ensure the independence of the administrative judiciary from the executive. An independent body enjoying corporate personality, the administrative judiciary includes the administrative judiciary courts, employee judiciary courts and Supreme Administrative Court. Also responsible for drafting and delivering opinions in Islamic sharia law, the administrative judiciary decides cases brought before it impartially and independently.

31. Act No. 70 (2017)[2] was promulgated to promote the independence of the judiciary and respect for the rule of law. The Act requires a formal separation between the Judicial Institute and Ministry of Justice, attaching the Institute instead to the Supreme Judicial Council, as the body responsible for the training and appointment of judges and members of the Public Prosecution Service, thereby resolving the problem of duplication.

32. The judiciary is effective in addressing issues of impunity, victim redress and reform of the judicial system to ensure neutrality and independence and guarantee access to justice for all, including the lower classes. In cases of human rights violations and abuse, appropriate measures are taken to conduct a confidential and comprehensive investigation. Judicial systems enjoy independence and impartiality and Iraqi laws are measured, guaranteeing access to justice to all without let or hindrance. The investigation conducted by the judiciary into crimes of human rights violation and abuse is considered unique and presents a glowing picture of the Iraqi judiciary in action.

[2] Source: Official Gazette no. 4455.

33. The Department of Family and Child Protection at the Ministry of Interior receives complaints and reports from abused women 24 hours a day through the following channels:

(a) Complaints registered upon the victim presenting;

(b) Reports from hospitals, schools and other government bodies attesting to their knowledge of domestic violence;

(c) Interviews conducted with victims; in consideration of the sex of the victim, female victims are interviewed by a female officer in a special room;

(d) Victims sent for medical examination and treatment; medical reports corroborating claims of abuse are attached to the investigation file.

34. The Human Rights Section of the Department of the Legal Advisor (Ministry of Defence) spreads awareness of human rights among Ministry staff by holding workshops, courses and lectures and issuing brochures and pamphlets addressing specific aspects of human rights, particularly in relation to international humanitarian law, which requires bodies engaged in conflict to protect civilians in conflict zones. The Section also seeks to raise awareness of the rights of women and their role in building society by delivering lectures on relevant United Nations resolutions, particularly Security Council resolution 1325 (2000) on women, peace and security.

35. In addition to their regular duties, legal advisors in the military act as human rights officers, delivering lectures on human rights to fighting soldiers and cautioning against committing abuses, under pain of legal sanction. Annex III shows the schedules of educational activities of the Ministry's Human Rights Section in 2015 and 2016, particularly concerning women's rights.

36. Human Rights Section hotlines receive complaints and allegations of human rights abuse, including violations of women's rights. The Section scrutinises and checks the veracity of the information and, if abuse is established, refers the case to the appropriate legal and judicial bodies.

37. The Iraqi Correctional Service provides human rights training for its staff on the basis of a systematic curriculum set out in the annual plan. Training includes courses in human rights, instruction in international standards for the treatment of inmates and an introduction to international laws, regulations and conventions. Within the organizational structure of the Service, the Correctional Development Section operates under the supervision of the assistant director general for training. The Section has a staff of specialised administrators and professional trainers and is equipped with lecture rooms for training prison guards and other employees. Courses are run in accordance with carefully prepared annual plans designed to meet the needs of the Service. Annex IV shows the human rights courses and workshops conducted by the Iraqi Correctional Service.[3]

Recommendation 14

38. In view of the demands of managing displaced persons in Iraq under the Government Programme (2014–2018) and the importance of marshalling efforts to coordinate the work of aid organizations in Iraq, a working group was formed to draw up a national policy for the management of displaced persons in Iraq on the basis of a specific vision, goals and mechanisms. The group consisted of representatives of stakeholders and worked in direct coordination with the National Security Advisory. National legislation and laws provided the starting point, with guidance from the principles of the United Nations. Representatives of the Council of Representatives

[3] Source: Iraqi Correctional Service, Ministry of Justice.

took part in the process, alongside those of the Office of the United Nations High Commissioner for Human Rights, the governorates and international and local NGOs. The policy was adopted pursuant to Cabinet Decision No. 414 (2015).

39. A strategy was adopted to provide medical prevention and treatment services for displaced persons and returnees to areas liberated since 2014.

40. The Iraqi Government, in the form of the Ministry of Migration and Displacement, has joined with other stakeholders to ensure the rights of refugees in Iraq under the relevant laws and instructions, particularly the Refugee Act of 1971 (law No. 51) and Ministry of Migration and Displacement Act and instructions pertaining thereto, without conflicting with the principles of human rights and international standards guaranteeing the rights of refugees. The Ministry has provided services and aid to our Syrian brothers who entered Iraq after 2012 and there has been no discrimination in law or in practice between returnees, displaced persons and refugees.

41. The Department of Social Protection of the Ministry of Labour and Social Affairs has opened several help desks in the governorates to receive displaced persons and facilitate procedures, as follows:[4]

- Ninawa department: three alternative locations (Dahuk, Irbil, Kirkuk);
- Tall Afar help desk: alternative location (Karbala);
- Hamdaniyah help desk: alternative locations (Karbala, Hindiyah);
- Anbar department: alternative locations (Amiriyat al-Fallujah, Irbil);
- Salah al-Din department: alternative locations (Balad, Dujayl);
- A new help desk attached to departmental headquarters was opened in Irbil (Aynkawah) to facilitate provision of services to displaced persons.

42. Ministry of Health teams across the country make field visits to camps for the displaced to provide health and other essential services, conduct health campaigns and administer X-ray scans, accompanied by a mobile radiological unit, laboratory and pharmacy. They conduct inoculation campaigns, offer reproductive health services, carry out medical examinations and provide treatment and follow-up for tuberculosis sufferers. Laboratory tests are conducted by clinical pathologists to detect cases of HIV/AIDS and sexually transmitted diseases. Prevention and control services for non-communicable diseases are also provided.

43. The Ministry of Health prepared a national plan around four themes: provision of security and basic needs, provision of psychosocial support, provision of non-specialist psychological services and provision of specialist psychological services. The plan was circulated to health departments, including those in Kurdistan Region. The plan focuses on providing psychological health services and psychosocial support in humanitarian emergencies to boost the ability to recover of those suffering from psychological trauma and psychosocial problems and to rehabilitate traumatised individuals and those suffering from pre-existing conditions.

44. As part of a study on psychological health conducted in preparation for drawing up a national plan for the safe return and sustainable health of the displaced, the Ministry of Health produced the first draft of a community rehabilitation plan for volatile areas following their liberation from terror.

45. A policy document on child protection included programmes for the rehabilitation of children in liberated areas and their reintegration in society.

[4] Source: Department of Social Protection of the Ministry of Labour and Social Affairs.

Additionally, programmes have been designed to rehabilitate children, including orphans, and widows and to reintegrate them in the community in liberated areas previously under ISIL control. The Ministry of Health and Social Affairs budget in the 2107 federal budget was increased to fund these programmes — in which the ministries of interior, youth and sport, health, education, planning and culture, as well as the Child Welfare Commission and civil society organizations have participated — with a view to promoting national values among children, eradicating extremist ideas implanted in their minds by ISIL and revising school curricula in line with modern principles rejecting violence and extremism and encouraging peace and tolerance.

46. The State Homes Department of the Ministry of Labour and Social Affairs provides guarantees of humanitarian aid and protection for internally displaced persons in line with the standards of international law. Social affairs departments in all governorates have been directed to admit children (orphans, those separated from the parents and humanitarian cases).

47. The Department for the Elderly of the Ministry of Labour and Social Affairs manages old people's homes to look after the aged and those whose families have been fragmented by the wars which have ravaged the country. It provides basic services and shelter, including food, clothing and health care, as well as cultural and leisure programmes and pocket money.

48. The Human Rights Unit of the Ministry of Labour and Social Affairs monitors the humanitarian situation among all age groups and both sexes, admits them to care homes and provides them with the essentials of life. In some cases, a social welfare allowance or a full-time helper is provided. In other cases, the Unit works in coordination with the Ministry of Health to ensure the transfer of the sick to Ministry hospitals for treatment; once treatment is complete, they are admitted to care homes.

49. Persons made homeless by the internal conflict are treated as persons with disabilities and the Commission for Persons with Disabilities and Special Needs has guaranteed that they will be covered by Act No. 38 (2013) and provided with services and benefits. The following table shows statistics for the governorates of Ninawa, Salah al-Din and Anbar:[5]

Activity	*Ninawa*	*Salah al-Din*	*Anbar*	***Total***
Full-time helper appointed (employee)	6	92	28	**126**
Full-time helper appointed (non-employee)	712	2 066	1 204	**3 982**
In receipt of allowance for full-time helper	629	1 097	835	**2 561**

50. Act No. 81 (2017) was promulgated to ensure a decent standard of living for the dependents of all ranks of the armed forces who were martyred or wounded in anti-terrorism operations and to protect the rights of their families. The Act is designed to immortalize the sacrifices of those martyred in the war against ISIL terrorist gangs, speed up the processing of their cases and provide the wounded with first-class care. It will ensure access to pensions and treatment for the wounded, write off the debts of the martyred and wounded and ensure that their families have access to education and decent accommodation. The Act provides for the erection of a memorial to their sacrifice.

51. Despite the current situation, the Iraqi Government has organized a number of activities designed to provide a healthy environment for displaced persons of both sexes, in addition to the efforts of civil society and international bodies.

[5] Source: Commission for Persons with Disabilities and Special Needs.

52. A number of measures have been taken to stabilise the security situation and enable the return of the displaced. These include:

- Mine clearance, defusing of explosives and removal of the debris of war from towns and cities to make liberated areas safe for returnees;
- Reopening of police stations in liberated areas;
- Deployment of troops around liberated areas and at entry points to safeguard the security of the population;
- Cooperation with the local population to uncover infiltrators and terrorist cells and provide intelligence.

53. The Ministry of Migration and Displacement works in coordination with the Ministry of Labour and Social Affairs and Ministry of Health, the Department of Women's Empowerment and civil society organizations to improve the situation of women-headed households, ensure that they are covered by the Ministry's security and stabilisation programmes and enable them to start up income-generating enterprises. Women-headed households are also entitled to grants enabling returnee families to reintegrate.

54. Working alongside teams in the governorates, the Ministry of Health has stepped up the number of centrally-coordinated field visits to camps for the displaced throughout the week, including weekends and holidays, to ensure continuity of health services for displaced persons. The Ministry also monitors the provision of medicines and medical supplies in displaced persons camps and sites where the displaced are concentrated.

55. The Ministry of Health seeks to promote joint action with its counterpart in Kurdistan Region and provide it with logistic support commensurate with the numbers of displaced persons in each governorate.

56. The Ministry of Health provides mother and child welfare services, nutritional assessment and early diagnosis and treatment of chronic disease. It also maintains a cancer registry and monitors cases.

57. The Ministry of Health has provided camps and sites for the displaced with a central ambulance service, working alongside the ambulances provided by governorate health departments and those donated by the World Health Organization (WHO) and international organizations. Furthermore, camps are served by mobile clinics in partnership with the WHO and other support bodies.

58. Some 925,755 children under the age of five in displaced persons camps and sites where the displaced are concentrated have been vaccinated in a total of 18 Ministry of Health campaigns, while 205,389 children under the age of one have been vaccinated under normal coverage. There have been 214,121 births. The number of persons seen by health centres, mobile clinics, the ambulance services and mobile health teams stands at 4,588,740. The number of persons treated in hospital, including accident and emergency units, stands at 2,041,184.[6]

59. Some 1,528 Yazidi women abused by ISIL terrorist gangs are covered by the social assistance scheme. The Minister of Labour and Social Affairs has excused these women the customary checks. Likewise, 88 women from the Shabak community who were saved from the grip of ISIL thugs are covered by social assistance.

60. The Ministry of Labour and Social Affairs has upgraded the trafficking shelter in Baghdad to enable it to admit abused children saved from the criminal activity of

[6] Source: Ministry of Health.

ISIL gangs. The shelter is open to all children in need of help without discrimination or exception.

61. The accession of Iraq to the Convention Relating to the Status of Refugees (1951) and Protocol thereto (1967) remains pending because of the difficult security and economic conditions which the country is currently experiencing, given the presence of tens of thousands of refugees, including Kurds from Turkey, Syria and Iran, Ahwazi Arabs, Kuwaitis (the so-called "bidoon") and Palestinians, on top of the numbers of internally displaced persons and returning migrants.

62. The Iraqi Nationality Act No. 26 (2006) deals adequately with the subject of statelessness and accession to the Convention on the Reduction of Statelessness (1961) will add nothing.

63. The Refugee Bill was approved pursuant to Cabinet Decision No. 304 (2017) and referred to the Council of State for due scrutiny. It was then returned to the Cabinet Secretariat and forwarded directly to the Council of Representatives, pursuant to articles 61(first) and 80(second) of the Constitution. Designed to regulate asylum, the Act covers all cases of humanitarian and political asylum, as well as asylum on grounds of race, religion, nationality, social affiliation, intimidation or persecution, in a manner consistent with the Constitution, international conventions and the law.

Recommendation 12: Security Council resolution 1325 (2000) on women, peace and security

64. In April 2014, the Cabinet adopted the National Strategy for the Advancement of Iraqi Women. The Strategy includes the national plan for implementing Security Council resolution 1325 (2000), making Iraq, according to the then United Nations envoy, the first country in the Middle East and North Africa to formulate a plan to implement the resolution. The plan is based on six pillars: participation, protection and prevention, promoting the resolution, mobilisation of resources, monitoring and evaluation. A number of civil society organizations participated in the preparation, the most prominent of which was the Alliance for the Implementation of the National Plan for resolution 1325 (2000).

65. The plan was adopted at a time when Iraq was enjoying a period of security and economic stability. Two months later, ISIL entered the country, seized control of a number of areas and began committing their crimes. Oil prices fell and the country found itself faced with a host of security and economic challenges. In response to the security developments, the then Ministry of State for Women's Affairs, in consultation with civil society organizations, presented a contingency plan to the Cabinet; this was adopted in May 2015. Containing three main themes (participation, protection and prevention), the general aim of the plan was to provide displaced women with the basics of life and monitor the cases of women abducted and abused by ISIL terrorist gangs.

66. The contingency plan provided for the creation of an operations room to monitor implementation. However, two months after the plan was adopted, the Ministry of State for Women's Affairs, which had been the body responsible for implementation, was abolished. In January 2016, after a period of delay, the Prime Minister's office directed that the operations room be reopened to allow the relevant ministries to monitor implementation of the plan. After an intensive round of meetings and discussions and in consultation with civil society organizations, chiefly those forming the Alliance, plans were formulated to enable all stakeholders to implement the plan on the ground. The resolution 1325 (2000) operations room, attached to the Cabinet Secretariat, announced the convening of a conference in Erbil to launch the national plans for implementation of Security Council resolution 1325 (2000) by ministries,

Federal Government bodies and the Kurdistan Region Government. An institutional evaluation scheme for sectoral teams was also launched and ministerial follow-up and evaluation teams were formed. A training of trainers (TOT) course for the sectoral teams was introduced, dealing with resolution 1325 (2000) and subsequent related resolutions.

67. Implementation of the resolution 1325 (2000) plan is being monitored, the sectoral teams in the implementing institutions are being re-evaluated and work is underway on consolidating efforts; team expertise has been drawn upon to formulate a joint statement on sexual violence.

68. On 23 September 2016, at United Nations Headquarters, the Iraqi Ministry of Foreign Affairs signed a joint statement with the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms Zainab Bangura. This represents the first joint action of Iraq and the United Nations to address the threat of sexual violence against women and confront several of the challenges facing Iraq in ensuring accountability for such crimes and bringing the perpetrators to justice under Iraqi law. Under the agreement, Iraq is to receive international assistance to document and collect evidence of such crimes, strengthen the legal framework to enable the judiciary to address sexual violence more effectively and put in place modalities for compensating and empowering victims and providing them with essential services. The agreement contains six points for implementation under a joint plan of action. These points are:

- Support for legislative, policy and service reform to address and strengthen protection against sexual violence;
- Ensure accountability for crimes of sexual violence by developing the capacities of national and regional authorities;
- Ensure the provision of support services and compensation for victims and children born as a result of rape;
- Involve tribal and religious leaders, civil society and women's rights activists in preventing crimes of sexual violence and facilitating the return and reintegration of victims in the community;
- Ensure that considerations of sexual violence are adequately reflected in the work of the Iraqi Counter-Terrorism Committee;
- Raise awareness and deepen understanding of sexual violence in conflict.

69. The Department of Women's Empowerment has drawn up a plan to implement the joint statement by Iraq and the Special Representative of the Secretary-General on Sexual Violence in Conflict, in partnership with stakeholders, local and international organizations and other partners.

70. The Department of Women's Empowerment monitors the enactment of laws serving the cause of Iraqi women, particularly the Terrorism Act, in collaboration with the Council of Representatives and the parliamentary Committee for Women, the Family and Childhood.

71. The director of the Department of Women's Empowerment made a scheduled visit with Ms Zainab Bangura to displaced persons centres in Dahuk governorate to assess their needs. She also visited the city of Mosul with a Dutch delegation to inspect the situation of displaced persons on the ground and the scale of the damage caused by the war against ISIL. While there, she paid a visit to the Department of Forensic Medicine, including the sections responsible for examining cases of sexual violence and abuse and establishing paternity; a joint statement on sexual violence was issued, reflecting the scale of the harm done on the ground.

72. The Department of Women's Empowerment organized a training workshop for the national team responsible for implementing Security Council resolution 1325 (2000) to strengthen their report-writing capacities. Additionally, a seminar entitled, "Removing the social stigma of rape", was held in collaboration with the Sunni Endowment Diwan and United Nations agencies. The Department also took part in a seminar on inclusive reconciliation, in collaboration with the United Nations Development Programme (UNDP).

73. The Department of Women's Empowerment has formulated standards for shelters housing survivors of domestic violence, including sexual violence, in collaboration with the Supreme Judicial Council, ministries of justice, interior, and labour and social affairs, a number of civil society organizations and the United Nations Population Fund (UNFPA).

74. The Department of Women's Empowerment has formulated a set of clinical standards for survivors of violence, including sexual violence, in collaboration with the Supreme Judicial Council, Ministry of Health, Ministry of Interior, a number of civil society organizations and UNFPA.

75. The Ministry of Health prepared a gender plan consistent with resolution 1325 (2000) and signed a protocol on surviving sexual abuse, in coordination with UNFPA.

76. The Ministry of Labour and Social Affairs organizes training courses and workshops on human rights. These include lectures on resolution 1325 (2000) and how to deal with the survivors of violence and provide them with services and legal protection. There are also lectures on human rights conventions, women's rights conventions (including CEDAW) and the concluding observations of the CEDAW Committee on the report by Iraq, discussed in 2014.

Part I, articles 1–6
Articles 1 and 2 and recommendations 16, 18, 30 and 51

77. The Government of the Republic of Iraq and other authorities have endeavoured to adopt these recommendations to ensure genuine equality, combat all forms of discrimination in legislation, measures, policy and put an end to stereotyping based on social customs and traditions that have no basis in law.

78. Although article 14 of the Constitution explicitly affirms the principles of equality and non-discrimination in respect of the enjoyment of rights and freedoms in Iraq, the country was nevertheless one of the first to accede to the International Convention on the Elimination of All Forms of Racial Discrimination and other international conventions on human rights. There is no legal provision in Iraqi legislation enshrining discrimination in any form. As such, everyone enjoys rights and freedoms on an equal basis and without discrimination.

79. Certain laws discriminate positively in favour of women and this represents real progress. Women have been given the right to participate in political life and elections, to vote and stand as candidates. Yazidi, Sabean and Christian women hold seats in the Council of Representatives and governorate councils. Furthermore, their participation in working life, enjoyment of equal opportunities in education and occupation of senior positions is guaranteed by laws, regulations and instructions.

80. To improve domestic legislation in a manner consistent with international human rights obligations — although there is no conflict between Iraqi law and international human rights precepts — the Supreme Judicial Council formed a committee of experienced retired judges to review all legislation, pursuant to Order No. 477/Office/2017 (12 June 2017).

81. Article 14 of the Constitution stipulates: "Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status."

82. Article 2 (first) of the Constitution stipulates: "Islam is the official religion of the State and a basic source of legislation." This frames the country's obligations under national legislation and the international conventions to which it has acceded, including reservations expressed by Iraq upon accession.

83. The previous session of the Council of Representatives formed an amendments committee pursuant to article 142 (first) of the Constitution. The committee's agenda included all the articles identified by constitutional experts as discriminatory or in conflict with other articles of the Constitution, such as articles 14, 41 and 45. The committee held a series of productive meetings designed to produce amendments. However, the task was complicated by the fact that, under article 142 (second), proposed amendments have to be presented to the Council of Representatives all at once to be voted on and adopted by absolute majority. The existence of controversial material among the articles to be voted on, such as article 140, on territorial disputes between the Federal Government and Kurdistan Region, conflicted with that requirement.

84. The Council of Representatives is currently reforming the committee and completing the work of the previous committee from where it left off.

85. There is no Ja'fari personal status bill. A draft proposal was submitted by members of parliament, but this was withdrawn and there is no plan to reintroduce it.

86. Although there is no conflict between Iraqi legislation and international human rights precepts, the Supreme Judicial Council is keen to improve domestic legislation and bring it fully into line with international human rights obligations. To that end, a committee of experienced retired judges was formed in the Supreme Judicial Council to review all legislation.

87. To implement this recommendation, the Supreme Judicial Council formed a high-level joint committee on 10 April 2014 to study the proposed amendments (to the Penal Code and several related laws) submitted by the then Ministry of State for Women's Affairs. The committee included the head of the Judicial Oversight Commission and head of the Public Prosecution Service — two important bodies within the judicial system — a representative of the Ministry of Women's Affairs and a representative of the Ministry of Human Rights. However, the committee is currently suspended as the positions of Minister of State for Women's Affairs and Minister for Human Rights have been abolished. The Government is presently engaged in reactivating the committee.

88. The head of the Judicial Council appointed a liaison officer at the rank of general manager as a member of the Higher Committee for the Advancement of Iraqi Women, reporting directly to him. The committee was chaired by the then Minister of State for Women's Affairs and its job was to coordinate application of the strategy for the advancement of Iraqi women and the strategy to combat violence against women, especially in the area of legislation.

89. Sitting on 13 January 2015, the Cabinet adopted Decision No. 27 (2015), approving the Protection from Domestic Violence bill. After being reviewed by the Council of State, the bill was sent to the Council of Representatives to complete the process of enactment.

90. On 1 March 2015, the parliamentary Committee for Women, the Family and Childhood asked the office of the Speaker to include the bill on that day's Council of

Representatives' agenda. The Speaker agreed, and the bill received its first reading on 12 March 2015.

91. To prepare the bill for its second reading, the Committee for Women, the Family and Childhood held a joint meeting with the Human Rights Committee on 23 May 2015 to scrutinize the bill carefully and address any weak points. The meeting formulated a plan for the passage of the bill, involving arranging meetings and hearings with the Ministry of Women's Affairs, Ministry of Interior, Ministry of Labour and Social Affairs, legal experts, academics, and civil society organizations.

92. On 2 April 2015, the Committee held its regular meeting with civil society organizations to discuss the bill and its proposed amendments in the light of Security Council resolution 1325 (2000). On 15 April 2015, the Committee invited the Minister of State for Women's Affairs to discuss all the comments made on the bill and state the Government's position.

93. The Committee for Women, the Family and Childhood held a series of meetings with the Westminster Foundation for Democracy from 14 to 15 March to discuss the bill; a training workshop for committee members was also held.

94. On 16 August 2015, the Committee convened a legislative forum in cooperation with UN-Women and attended by civil society organizations to formulate a national vision for the bill.

95. On 9 September 2015, the Committee invited the Director of the Family and Child Protection Department of the Ministry of Interior to express his view on the extent to which his department's activity is consistent with the law and the challenges faced in the absence of legislation.

96. The bill received its second reading on 17 January 2017 and it is hoped that it will be enacted shortly.

97. Article 1 (3) of the domestic violence bill defines the crime of domestic violence as "any act of physical, sexual, psychological, mental or economic aggression that one member of a family commits or threatens to commit against another. Such an act can, in law, amount to a petty, serious or major offence." The bill includes provision for the erection of shelters and creation of mechanisms to protect victims, report crimes of domestic violence and bring legal action irrespective of geographical jurisdiction. As regards punishment, the bill refers to the Criminal Code (Act No. 111, 1969) and other relevant legislation.

98. The Social Welfare Act No. 126 (1980) was amended by Act No. 28 (2013), which refers to domestic violence, stating in article 29(first) that care homes are designed to look after infants, children, juveniles and young adults who have experienced family difficulties, including domestic violence, or have lost one or both parents, to provide them with a safe environment to compensate for the family care and affection they lack and to help them avoid feelings of inferiority.

99. The Iraqi Passports Act No. 32 (2015) contains no discriminatory measures with respect to the issue of passports to women and no restrictions on a women's freedom to travel. The right to travel may only be restricted by judicial order.

100. A special court to combat violence against women has been established in three governorates in Kurdistan Region.

101. Reconciliation committees have been created in these domestic violence courts.

102. Higher committees to combat violence against women have been established in Irbil, Sulaymaniyah and Dahuk.

103. Article 2(first) of the Domestic Violence Act (Kurdistan Region) No. 8 (2011) identifies the following as acts of domestic violence:

- Forced marriage;
- Child marriage and arranged marriage of children;
- Marriage instead of paying blood money;
- Divorce under duress;
- Severing of family ties;
- Wife forced into prostitution by her husband;
- Female circumcision;
- Compelling family members to give up work against their will;
- Forcing children to give up school to work or beg;
- Suicide as a result of domestic violence;
- Abortion as a result of domestic violence;
- Beating family members and children on any pretext.

104. The Cabinet issued Decision No. 92 (2014), designating the suffering inflicted on Iraqi Yazidis, Turkmens, Christians and the Shabak and other minority groups by ISIL terrorist gangs as genocide.

105. The Council of Representatives issued Decision No. 27 (2016), calling upon the Cabinet to form, as a matter of urgency, a committee to estimate the loss of life and private property among citizens in the district of Tuz Khurmatu in Salah al-Din governorate as a result of the two incidents there on 12 November 2015 and 24 April 2016. The committee was requested to provide an estimate of compensation, determine eligibility and formulate a method of distribution. The Decision called upon the Cabinet to allocate funds from the 2016 budget contingency for compensation and to treat civilians who fell victim on those days and the days after the last incident in Tuz Khurmatu district as martyrs in respect of rights and privileges.

106. The Council of Representatives issued Decree No. 43 of 2016, which states: "The Government shall take the necessary measures to liberate abducted Yazidi women; to rebuild Sinjar district and restore services and infrastructure; to consider the victims of acts of terrorism perpetrated by ISIL terrorist gangs in Sinjar province as martyrs, who enjoy all the rights and privileges of that category; and to create a committee of competent bodies to look into the genocide suffered by the Yazidis at the hands of ISIL terrorist gangs in order to submit the case for investigation by the International Criminal Court."

107. The Martyrs' Foundation Act No. 2 (2016) was promulgated, abolishing Act No. 3 (2006).

108. The Iraqi judiciary has taken action to re-establish the judicial apparatus and resume activity in areas inhabited by minorities. Judicial bodies are conducting investigations into the attacks suffered by those communities with a view to bringing the perpetrators to justice and ordering appropriate compensation for victims wherever necessary.

109. The judiciary is accessible to everyone and the organs of the judiciary are ready to respond at once to any attack on society. This includes attacks against ethnic and religious minorities, their places of worship and places of business. The judiciary is

ready to protect the interests of those groups whenever necessary and ensure that criminals receive their just deserts.

110. When a crime as defined by domestic law has place, there is no impunity in Iraq. Moreover, the Iraqi Government observes international human rights laws.

111. Protection of residential areas has been stepped up, with an increased military presence and additional motorised and foot patrols. The focus has been on protecting residential areas when military operations are conducted.

112. The facilities and personal protection services in Baghdad and local police departments provide adequate protection for churches and the places of worship of religious and ethnic minorities on the basis of advanced planning. Security measures are stepped up at Christmas and New Year to prevent terrorists attacking citizens, causing loss of life and disrupting religious ceremonies.

113. In Baghdad governorate (Karkh and Rusafah), 64 potential targets belonging to the Christian Endowment Diwan and other religions are protected by 351 security personnel, including officers, enlisted men and female inspectors.

114. Forums and conferences have been organized under the auspices of the Iraqi Government to encourage interdenominational dialogue, peaceful coexistence and national reconciliation.

Recommendation 20

115. The National Strategy for the Advancement of Iraqi Women was adopted pursuant to Cabinet Decision No. 164 (2 April 2014) and several of its outputs have been put into practice. The Department of Women's Empowerment in the Cabinet Secretariat is currently engaged in reworking the strategy.

116. As part of the reforms carried out by the Prime Minister with parliamentary approval, several ministries have been merged and others abolished. One of the ministries abolished was the Ministry of State for Women's Affairs. However, this does not imply that the Government has no interest in women's issues. Instead, the Department of Women's Empowerment was created at the highest level of government namely, the Cabinet Secretariat, to carry out several of the duties previously the responsibility of the Ministry of State. Furthermore, the Department receives the support of both the Prime Minister and Cabinet Secretary. Additionally, two important committees have been formed with a mandate to address women's issues: the Higher Committee for the Advancement of Iraqi Women and the Higher Committee for the Advancement of Rural Women. The membership of both committees includes senior government officials from relevant ministries, such as those of health, education and labour, as well as parliamentary deputies. The Government is keen to involve civil society organizations in drawing up policies on women's issues and, to ensure fairness and impartiality, membership of these committees includes several NGOs, by rotation. The committees will draw up higher government policy on women's issues, while the Department of Women's Empowerment will be responsible for implementation in coordination with the relevant ministries.

117. The Department of Women's Empowerment is funded from the budget of the Cabinet Secretariat.

118. Since its creation pursuant to Executive Order No. 333 (2016), the Department of Women's Empowerment has taken over the portfolio of the defunct Ministry of State for Women's Affairs. Operating on the basis of its strategic vision and position and authority as a branch of the Cabinet Secretariat, the Department has sought to draw up an appropriate modus operandi for both of the above-mentioned higher

committees to advance the situation of Iraqi women. The Department has further sought to:

- Open women's units in all State agencies and institutions across the country to provide a focus for all issues relating to women (Security Council resolution 1325 (2000) team, joint statement on sexual violence and related issues); units shall submit plans to the Department to ensure the mainstreaming of gender in their respective institutions, reduce the gender gap and reanimate the governorate subcommittees supporting the work of the Higher Committee for the Advancement of Rural Women;
- Enhance the capacities of ministerial teams concerned with women's affairs by holding capacity-building training workshop in collaboration with partners;
- Launch a 40-day campaign under the slogan, "Women against corruption" in collaboration with the Integrity Commission, designed to raise awareness of the important role Iraqi women can play in fighting corruption; and launch a 16-day campaign to combat violence against women, entitled "The domestic violence law ensures a cohesive family", in collaboration with local and international organizations;
- Open channels of communication with government institutions and local and international partners as an expression of Government concern with women's issues; and raise the international profile of the challenges and achievements of Iraqi women by ensuring that the Department is represented in international quarters (particularly the United Nations Commission on the Status of Women and the Emergency Committee for the Protection of Women in Armed Conflict).
- Monitor the drafting of international treaty reports on women's issues and develop the capacities of the CEDAW report writing team by organizing workshops for them in collaboration with international and local partners; improve the response to survivors of gender-based violence.
- Coordinate with the World Bank to launch a number of women-focused schemes (such as cash for work and social support schemes) as part of the Emergency Social Stabilization and Resilience Project for Iraq, given the importance of such schemes in addressing the effect of conflict on the population and mitigating its psychological and social impact on women and children; and coordinate with the Agricultural Bank to extend soft loans to rural women, enabling them to establish small-scale enterprises and raise the level of economic empowerment of rural women in Iraq.

Recommendation 22

119. Act No. 53 (2008) established the Independent High Commission for Human Rights as an independent national institution with a wide-ranging mandate. Its members must be approved by a vote of parliament. The goals of the High Commission include: coordinating with stakeholders to prepare strategies, joint action mechanisms, studies and research; submitting recommendations and expressing an opinion on issues relating to the promotion and development of human rights; studying legislation to assess its compliance with the Constitution; submitting recommendations to the Council of Representatives; submitting proposals and recommendations on the accession by Iraq to international human rights treaties and conventions; collaborating and coordinating with independent, non-governmental international human rights institutions to achieve the High Commission's goals; disseminating the culture of human rights; submitting proposals on how to boost human rights capacities; presenting an annual report to the Council of Representatives containing a general assessment of the human rights situation in Iraq; and ensuring

this report receives media attention. The Act defines the objectives and modus operandi of the High Commission as:

- To receive reports from individuals, groups and civil society organizations on human rights abuses;
- To conduct initial investigations of human rights abuses based on information received;
- To check the veracity of reports received by the High Commission and conduct initial investigations, if required;
- To bring human rights-related lawsuits, forward these to the public prosecutor for the appropriate legal measures to be taken and to be informed of the outcome.

120. Visits are made to prisons, correctional facilities, remand centres and other such places without prior permission of the authorities; meetings are held with convicts and detainees, cases of human rights violation are identified, and the authorities notified for the appropriate measures to be taken.

121. The High Commission had an allocation of 20 billion dinars in the 2013 federal budget and 29 billion dinars in the 2014 budget; in 2012, some 110 employment grades were designated.

122. Following abolition of the Ministry of Human Rights, the Government boosted the High Commission in 2016 by transferring 525 former ministry employees to it at the same salary grades. Furthermore, the Government provided the High Commission with two buildings in Baghdad and 14 in the governorates, excluding Kurdistan Region, to support its work.

123. In 2015, the High Commission received category (b) observer status of the International Coordinating Committee of National Human Rights Institutions.

Article 4 and recommendation 24

124. In 2017, the 15 members of the High Commission were chosen; they included 4 women and 11 men.

125. The Iraqi Government is keen to strengthen legislation to promote women and has issued a number of decisions and adopted national plans to advance women's causes. The most significant of these are:

126. Adoption of the strategy for the advancement of women and the national plan for Security Council resolution 1325 (2000).

127. Cabinet Decision No. 175 (2015), which exempted widows from bureaucratic downsizing.

128. Cabinet Decision No. 429 (2012), writing off the debts (principal and interest) of persons martyred after 9 April 2003, including the staff of ministries, governorates, bodies not linked to a ministry and the security institutions, holders of special grades and staff of the three presidencies and their employees.

129. A National Housing Council decision, approved by the Cabinet Secretariat in 2012, reduced the cost of housing units in residential complexes which have already been allocated or will be allocated by 75 per cent for needy groups, including widows. In a letter from the Cabinet Secretariat on 10 July 2013, the former Prime Minister directed all government institutions to appoint widows, grant them soft loans and allocate housing units at a 75 per cent discount, with the balance to be paid by easy instalment.

130. Cabinet Decision No. 99 (2015) directed ministries to nominate a proportion of women to senior positions (general manager level and above).

131. Cabinet Decision No. 178 (2014) exempted widows receiving in excess of the support allowance from having to refund the balance.

132. Cabinet Decision No. 254 (2016) discriminates positively in favour of women vis-à-vis the minimum monthly support allowance, which is set at 225,000 dinars for women compared to 175,000 dinars for men.

133. A detailed study was conducted into the twin issues of women's health and education and the outputs were incorporated into the National Strategy for the Advancement of Iraqi Women.

134. The Department of Women's Empowerment is working in coordination with the Ministry of Planning to mainstream women's issues, needs and modalities of empowerment in the national development plan which Iraq will shortly launch. Furthermore, the Government has striven to mainstream women's empowerment in its poverty reduction strategy, which is currently being updated.

135. Gender units in the ministries and bodies not linked to a ministry seek to include the gender issues in the policies of their institutions.

136. At a time when their presence in the public sphere is growing and they are becoming active politically, economically and in social movements, women are becoming increasingly visible, too, in the workforce. This is an objective reflection of increased female enrolment in education and a genuine triumph for the empowerment of women in Iraq. Note that national development plans, sector-based strategies and policies adopted by the Ministry of Planning, affirm the stipulation in the 2005 Constitution regarding the provision of equal educational, employment and health opportunities for men and women without discrimination as a right for all, while focusing on vulnerable groups such as widows, divorcées and orphans. Under the poverty reduction strategy, 11,090 loans were granted by the Department of Social Protection for Women (Ministry of Labour and Social Affairs) between 1 December 2012 and 27 December 2016; 24,033 loans were granted to small income-generating enterprises between 24 November 2013 and 30 June 2017; 370 industrial service loans were granted between 1 October 2015 and 30 June 2017; and 388 loans for community rehabilitation projects were granted between 2007 and 30 June 2017.[7]

137. The Department of Social Protection for Women provides care for women who have lost their provider, including widows, divorcées and orphans, wives of missing persons and the infirm through a range of empowerment programmes:

138. Economic empowerment:

- Paying allowances regularly every two months instead of every three, targeting poor families in particular;
- Providing family income support by arranging for beneficiaries to teach the skills in which they were trained and providing them with the necessary resources to do so, in collaboration with local and international organizations and donor bodies.

139. Social empowerment:

Psychological support programmes run by the Social Research Section, in coordination with UNFPA; this has involved:

[7] Source: Department of Social Protection for Women, Ministry of Labour and Social Affairs.

- Establishing psychological support centres in six governorates (Baghdad, Karbala, Najaf, Babil, Salah al-Din and Diyala);
- Organizing psychological support sessions in these centres to coincide with the 16-day campaign against gender-based violence;
- Providing psychological support services in displaced persons camps from the beginning;
- Welcoming and listening to female victims and offering psychological support programmes designed to re-establish their social equilibrium and relieve psychological trauma;
- Enrolling beneficiaries in training courses and workshops to upgrade their capacities and encourage them into the job market.

140. Psychological support services have been provided by the Ministry of Labour centres in several governorates (Baghdad, Karbala, Najaf, Babil, Salah al-Din and Diyala) since February 2016. A special section for abused women has been opened and attempts are made to find solutions to the problems these women face.

I. Women's health and their role in development

141. Given the profound importance of health in boosting women's role in the development process and promoting their participation in the life of the community, we present below a number of key health indicators that paint a picture of the health situation of Iraqi women in the period 2009–2015, on the basis of Ministry of Health data (see annex IV).

142. Sustainable Development Goal 3, on good health and well-being, includes two gender-sensitive indicators out of a list of 13 indicators; these are the maternal mortality rate and contraceptive prevalence rate. According to "Mapping poverty in Iraq" (2015), the maternal mortality rate was 35 per 1,000 live births, while the contraceptive prevalence rate among married women in the 15–45 age group stood at 52.5 per cent, with 47.5 per cent not using any means of contraception; use of contraception was more common in urban areas than in the countryside.

II. Women's education

143. In addition to advancing the position of women and society as a whole, on the principle that "bright and educated women contribute to development", education provides women with decent employment opportunities. There follows an examination of the educational situation of women in Iraq on the basis of enrolment rates in kindergarten, primary, intermediate and secondary school. Enrolment rates for boys are generally higher than those for girls at primary, intermediate and secondary levels (annex VI).

144. As well as a lower rate of enrolment of girls at primary, intermediate and secondary levels, the figures show higher dropout rates for girls, directly proportional to level (annex VII).

145. Reviewing Sustainable Development Goals 4, on quality education, six gender-sensitive indicators were identified, plus a "pre-primary enrolment rate indicator" or indicator of children in primary grade 1 previously enrolled in pre-school. This stood at 4.9 per cent for boys and 6.1 percent for girls. As part of a structured programme of education, pre-school education (kindergarten) has an important role to play in preparing a child for school. Note that 84.4 per cent of school age infants are enrolled in primary school. Regarding the primary school completion rate, the total stands at 69.7 per cent (72 per cent of boys and 67.2 per cent of girls), according to the reports of the Department of Social and Educational Statistics. In this respect, Iraq is going

backward. The indicator of equality in higher education stands at 0.88. In 2014–2015, some 154,950 primary school teachers, 74,205 secondary school teachers, 35,319 university lecturers, 4,919 vocational instructors and 6,373 kindergarten teachers were female.

146. Article 8 (third) of the Labour Act (law No. 37, 2017) stipulates: "Any distinction, exclusion or preference in connection with a specific job, if based on the qualifications required by the nature of the job, shall not be considered discrimination".

147. The National Reconciliation Committee, reporting to the Office of the Prime Minister and chaired by an advisor, has established a Women's Office with an all-female staff, responsible for monitoring matters relating to Iraqi women and seeking to advance their situation to ensure they play a leading role in national reconciliation. It also provides direct oversight of the representative offices and women's support committees attached the National Reconciliation Committee. The Women's Office has worked to:

- Spread awareness of the need for women to participate in building national unity and mass solidarity through forums and conferences targeting all the country's governorates;
- Hold courses to develop security awareness and provide information on different types of explosives, in collaboration with the Ministry of Interior and national security agencies;
- Spread awareness of the importance of peace by taking part in festivals and activities designed to promote and spread the spirit of national reconciliation, such as trips by women's groups to holy places (for example Najaf, Karbala and Samarra) and museums;
- Organize a variety of festivals designed to spread the culture of peace; these include arts festivals, such as painting, and Quran recitation competitions for women;
- Maintain contact with NGOs to help achieve its goals of national reconciliation among all classes of Iraqi women;
- Organize festivities on particular occasions, such as Iraqi Women's Day, to honour women human rights activists and top female students and pupils;
- Open representative offices in Baghdad (Karkh and Rusafah) and other governorates, offering courses designed to spread the concepts of peace and national unity; provide direct oversight of the representative offices and women's support committees attached the National Reconciliation Committee in Baghdad and the governorates;
- Coordinate with the Ministry of Women's Affairs to organize literacy courses for women and with the Ministry of Health to hold health educational seminars; coordinate with the Department of Social Protection for Women to address the needs of large numbers of widows, divorcées and women with special needs;
- Organize seminars on human development, in the belief that national development is of critical importance and underpins the peacebuilding process;
- Offer courses to improve the skills of women in areas such as dress-making and computing to help them obtain employment;
- Participate in programmes designed to dry up the sources of terrorism.

148. Article 9(1) of the Personal Status Code (Act No. 188, 1959) addresses the issues of early marriage and force marriage, stipulating: "No relative or other person has the right to force marriage on anyone, male or female, without their consent. A

contract of a forced marriage shall be considered null and void if the marriage has not been consummated. No relative or other person has the right to prevent the marriage of anyone eligible to marry under the provisions of this marriage law." Article 9 (2) stipulates: "A first degree relative who breaches the provisions of paragraph (1) of this article shall be sentenced to a term of not more than three years imprisonment and/or a fine. If the person who breaches this provision is not a first degree relative, he shall be sentenced to a term of imprisonment of not less than three years and not more than ten years.

149. A Sharia Court or Personal Status Court must notify the investigating authorities of any violation of the provisions of paragraph (1) of this article to enable them to take legal action against the offender. The court is entitled to hold the offender in custody to ensure his appearance before the said authorities. Furthermore, a person whose marriage was coerced or prevented shall have the right to present directly before the investigating authorities.

150. The Iraqi Government relies upon gender units in the ministries of planning, health, labour and social affairs, education, security and justice to develop departmental policies to meet the needs of women. If successfully implemented, women will be able to confront any form of domination and have the capacity to uphold their human rights as guaranteed under the Constitution.

151. Articles 128, 130 and 131 of the Penal Code (Act No. 111, 1969), which allow a perpetrator to claim defence of honour as a mitigating circumstance, are general provisions appearing in section 5 — "Legal excuse and legally extenuating circumstances" — of the said Act and are applicable to all types of crime and not to one particular crime. The law gives the judge discretion to apply these articles on the basis of the facts of the case. In Kurdistan Region, the above articles have been amended to ensure that a defence of "honour killing" does not justify mitigation of sentence.

152. Regarding the provisions in the Penal Code which hold that honourable motives justify mitigation, it should be noted that the article in question covers all honourable motives and does not exclusively relate to "washing off dishonour", for example, where victims are always women. But under no circumstances can it be considered as discrimination against women *as women*. This is something which derives from the noble Islamic Sharia and the customs and traditions of oriental society and is consistent with the provisions of the Constitution and conventions of conservative society. The same is the case with article 409 of the Penal Code, which grants mitigating circumstances to a man who surprises his wife or close female relative in the act of adultery or finds her in bed with her lover and kills her or the two of them.

153. Article 377(2) of the Penal Code (Act No. 111, 1969) was amended to read that the adulterer and adulteress shall receive the same punishment.

154. Articles 128, 130 and 131 of the Penal Code (Act No. 111, 1969) were amended to read that honour killing is not a justification for mitigation of sentence.

155. Article 41(1) of the Penal Code (Act No. 111, 1969) was amended to read that the issue of disciplinary punishment by men shall not cover women.

156. The General Amnesty Act in Kurdistan Region does not cover the perpetrators of honour killings.

157. We would like to point out that female circumcision is confined to rural areas and villages in Kurdistan Region and that the phenomenon does not exist in central and southern Iraq.

158. Article 2(first) of the Kurdistan Region Domestic Violence Act No. 8 (2011) states that it is forbidden for anyone with a family connection to commit domestic

violence, including physical, sexual and psychological violence, within the family. By way of example, the following acts shall be considered as domestic violence: female circumcision.

159. Article 6 of the Kurdistan Region Domestic Violence Act No. 8 (2011) stipulates:

> 1. Anyone who incites the commission of female circumcision shall be sentenced to a fine of not less than 1 million dinars and not more than 5 million dinars;
>
> 2. Anyone who conducts or takes part in an operation of female circumcision shall be sentenced to a term of imprisonment of not less than six months and not more than two years and/or a fine of not less than 2 million dinars and not more than 5 million dinars;
>
> 3. Anyone who conducts or takes part in an operation of female circumcision shall, if the victim is a minor, be sentenced to a term of imprisonment of not less than one year and not more than three years and/or a fine of not less than 5 million and not more than 10 million dinars;
>
> 4. Aggravating circumstances shall exist if the perpetrator is a physician, pharmacist, chemist or midwife or assistant thereof, in which case the court shall order such person to be struck off the professional register for a period of not more than three years.

160. The results of a survey on the prevalence of female circumcision in Kurdistan Region conducted by the Supreme Council for Women's Affairs and Ministry of Planning in Kurdistan Region, in collaboration with Heartland Alliance International and the United Nations Children's Fund (UNICEF), show that there has been a sharp reduction in the practice.

161. The Social Welfare Act No. 126 (1980) was amended by Act No. 28 (2013), which makes reference to domestic violence and in article 29 (first) states that care homes are designed to look after infants, children, juveniles and young adults who are experiencing family difficulties, including domestic violence, or have lost one or both parents, and to provide them with a safe environment to compensate for the family care and affection they lack and help them avoid feelings of inferiority.

162. A strategy to combat domestic violence against women was adopted in Kurdistan Region in 2012.

163. The National Strategy to Combat Violence against Women was adopted by the Cabinet in 2013. The Strategy is designed to promote the rights of Iraqi women of all ages, protect them from all types of negative discrimination and violence and limit the impact thereof. The Strategy contains four themes: Prevention, care and protection, policy and implementation and is based on several sources, including women's rights conventions, human rights conventions and the Constitution, which in numerous articles provides for gender equality and equality before the law. It is also based on certain national instruments, most significantly the five-year plan, poverty reduction strategy, national human rights plan and social survey of Iraqi women. The Strategy is the product of Government determination and is designed to raise Iraqi society from its present abject condition, caused by past policies and the unstable security situation that gave rise to the extremist ideology which was so detrimental to the position of women in Iraq.

164. To protect their dignity and integrity, the Domestic Violence Bill criminalises the perpetration of violence against women, imposing fines of between 500,000 dinars and 1 million dinars or detention for six months if the fine is unpaid. The sentence is

increased to a fine of between 3 million dinars and 5 million dinars or a term of imprisonment of one year in the event of a repeat offence.

165. The number of women appoint to the security services, including the community protection police, family protection police and Ministry of Interior Women's Training Institute, has increased. Furthermore, there is a women's security section in the National Security Service and gender units in ministries responsible for security. These bodies all seek to mainstream gender in the security apparatus. Note the following:

- A department of family and child protection police has been created;
- The principles of protection against domestic violence have been included in the grade five secondary school curriculum;
- There has been increased recruitment of women into the army and police, with the graduation in 2013 of the first women from the personal protection course;
- Training courses have been organized for family protection police personnel, including female officers and other ranks.

166. Human rights and domestic violence have been included in the police academy curriculum.

167. The Domestic Violence Bill provides for the creation of safe shelters to protect the survivors of violence; these will be available when the bill is adopted. Furthermore, the Human Trafficking Act approves the creation of shelters for victims of human trafficking and several measures have been taken with a view to opening such homes.

168. The Ministry of Labour and Social Affairs is currently working on the possibility of opening shelters for female survivors of violence prior to adoption of the Act.

169. A number of training workshops on treating female survivors of violence have been held inside and outside Iraq for staff of the ministries of interior, defence, health and labour and social affairs.

170. The table below shows statistics on types of domestic violence registered with family and child protection departments in the period 1 January 2017 to 1 May 2017:[8]

	Type of violence	*Total*
1	Violence by husband against wife	2 645
2	Violence by wife against husband	562
3	Violence between siblings	435
4	Violence by parents against children	123
5	Violence by children against parents	688
6	Other	446
	Total	**4 899**

171. The Ministry of Planning conducts regular surveys providing indicators on women exposed to domestic violence in general, including the Iraq Women Integrated Social and Health (I-WISH) survey and the Multiple Indicator Cluster Survey (MICS) survey. It also produces in-depth analyses of gender-based violence. These indicators are included in national plans and strategies, such as the National Development Plan

[8] Source: Ministry of Interior.

(2010–2014), which focuses on the gender perspective, as well as in gender mainstreaming strategies, such as the National Strategy to Combat Violence against Women (2013–2017), the National Strategy for the Advancement of Iraqi Women (2014–2018) and the national emergency plan relating to Security Council resolution 1325 (2000) on women, peace and security.

Article 6 and recommendation 32

172. The draft instructions for implementation of Act No. 28 (2012) have been completed by the Ministry of Interior and put before the Central Committee to Combat Human Trafficking.

173. Committees responsible for investigating human trafficking have been established in Baghdad (Karkh and Rusafah) and 13 branches set up in the governorates. These have the task of investigating crimes of human trafficking and deploying teams within their area of responsibility to collect information and data in coordination with other security agencies, monitor violations and arrest perpetrators. Civilian social workers employed by the Ministry of Interior (Department for Countering Human Trafficking), build up case studies, analyse the psychological condition of victims and submit reports, in coordination with the Supreme Judicial Council, while maintaining confidentiality of sources and protection of witnesses.

174. Investigations carried out under the Human Trafficking Act No. 28 (2012) in 2016 revealed the following: a total of 314 cases were recorded and 347 persons charged. Of these, 83 were sent for trial, 17 were convicted, 73 released, 95 referred to other bodies, 19 held pending further investigation and 60 released on bail. Under the Act, sentences vary in accordance with the type of criminal act committed and the provisions on criminalisation and committal from a term of imprisonment and fine of not less than 5 million dinars to life imprisonment and even the death penalty, if the act committed leads to the victim's death.

175. Cases of human trafficking are heard before competent judges in special courts created under the law.

176. Social workers are employed to work in shelters to help rehabilitate victims of human trafficking. In Baghdad, 15 Ministry of Interior social workers are so employed.

177. The Ministry of Labour and Social Affairs has completed work on the shelter, which is now ready to admit victims of human trafficking.

178. A human trafficking database has been established.

179. Given the importance of its work, the Human Trafficking Department of the Ministry of Interior prepares an annual plan on implementation of its stated goals.

180. Special teams are assigned by the Ministry of Interior, acting in coordination with the Ministry of Health, to specialist centres that carry out tissue typing tests for human organ transplant operations. These teams are tasked under the law with checking that the forms and documentation of donors and recipients comply with the law.

181. Cases involving foreign workers are monitored in collaboration with the Department of Residence Affairs and the International Organization for Migration, and legal support for Arab and foreign victims is provided.

182. Witnesses, experts and victims are protected under Act No. 58 (2017).[9]

[9] Source: Official Gazette no. 4445.

183. Following scrutiny by the Council of State, the Cabinet adopted Regulation No. 7 (2017), regulating shelters for victims of human trafficking, pursuant to article 80 (third) of the Constitution and 11(eighth) of the Human Trafficking Act No. 28 (2012).

184. The Ministry of Interior runs campaigns to inform people about the Human Trafficking Act and warning of the dangers of human trafficking. It holds conferences and seminars and delivers lectures to universities, colleges and schools in cooperation with civil society organizations. In addition, it gives radio and television interviews and puts up posters and billboards in public places, including airports and other points of entry to warn of human trafficking. It also runs training courses for staff.

185. Conventions have been signed providing for cooperation with the international community regarding the exchange of experience and expertise. These include: the Arab Convention on Combating the Trafficking of Persons, Arab Convention on Human Organ Transplantation, Arab Convention to Prevent Human Cloning and Arab Protocol on Combating the Trafficking of Persons. Iraq has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

186. A joint programme has been organized by the Ministry of Interior, in collaboration with the International Office for Migration, to train staff working to combat human trafficking. Under this programme, more than 25 workshops and courses have been held inside and outside Iraq, helping to train staff to deal with human trafficking issues and building their capacities in line with international standards by allowing for the exchange of information and experience.

187. In collaboration with the European Union, a programme consisting of courses and workshops on international laws and conventions to combat human trafficking has been developed.

188. The Human Trafficking Act distinguishes clearly between crimes of human trafficking and other crimes to ensure that victims do not suffer legal injustice. A victim is a victim and in need of help, starting with legal assistance in the form of an investigation and other services provided under the law by the Ministry of Labour and Social Affairs and Ministry of Health.

189. If the crime of trafficking is found to have taken place then, under the Human Trafficking Act No. 28 (2012), victims who have been subjected to exploitation in prostitution, vice and the sex trade shall be considered as victims of human trafficking and not prosecuted for associated crimes, such as prostitution and indecency.

Articles 7–9
On article 7 and concluding observation 35

190. On 9 September 2014, the Council of Representatives endorsed the 33-member Government formed after the 2014 general election. The new Government was keen for all communities in Iraq, as well as women, to be represented. With 25 per cent of seats in the Council of Representatives held by women, women are able to make an effective contribution in exercise of their political rights, in accordance with article 49(fourth) of the Constitution. The representation of women in reflected in the executive, where women hold senior positions as ministers, undersecretaries, holders of special grade positions and directors-general.

191. In the present Cabinet, women hold the positions of Minister of Health and Minister of Reconstruction and Housing. Women have also been appointed to ministerial-level positions, including of Mayor of Baghdad and President of the Council of State.

192. On 3 March 2015, the Prime Minister issued a directive to ministries, requiring them to nominate a proportion of women to leadership positions at director-general level and above.

193. As part of the Government's reform package, a ministerial reshuffle committee was formed to select technocrats as ministers. The committee had a membership of 13 experts, including two women.

194. Article 11 (first) (a) of the Political Parties Act No. 36 (2015)[10] provides for women to be represented in a party's founding committee and general committee. It stipulates that an application to found a political party shall be made in writing, signed by a party representative and submitted in writing to the Department of Political Parties and Organizations for registration, accompanied by list of not less than seven names of the founding committee and a list of not less than 2,000 names of members across the country, with due attention paid to women's representation.

195. The Independent High Electoral Commission seeks to foster awareness of the need for women's participation in all areas and departments. It affirms the need for women to participate in legislative institutions to ensure the fairness of laws. It further affirms the need to enforce laws relating to the participation of women in elections and party-political activity. This will help to mainstream the gender perspective effectively and positively, put an end to social stereotyping and enable women to play their natural role to the full.

196. The Independent High Electoral Commission is also keen that at least two of the seven members of a party's founding committee and general should be women.

197. A number of political parties have been founded and headed by politically active women. These were among the first parties to receive a license from the Commission.

198. Pursuant to article 61 (first) and 73 (third) of the Constitution, the Political Parties Act No. 36 (2015) was promulgated by the President of the Republic on 17 September 2015. The law was enacted to harmonise the demands of modern political life and the democratic transformation, regulate the legal framework for the activity of political parties and organizations on a national, democratic basis, promote political plurality and bring about the wider participation of women in public life.

199. To ensure effective participation by women in political life, the quota of female representation in the Council of Representatives shall be not less than 25 per cent. This quota shall be reflected in the executive and in senior positions in the State at the level of undersecretary and special grade.

200. The judiciary accords great importance to the role of women in its ranks. According to statistics prepared by the judiciary, there were 93 female judges in the period 2003–2014, compared to not more than seven in the years before.

On article 8, we refer you to our previous report and add the following:

201. The Iraqi Government is anxious to ensure the participation of women in international circles and keen to achieve gender balance in ministerial and non-ministerial delegations attending conferences and training and development workshops. The Iraqi delegation dispatched to discuss the country's CEDAW report in 2014 provides the best evidence of this, headed as it was by the female Minister of State for Women's Affairs at the time. She was accompanied by a group of women representing government institutions, who formed the bulk of the participating delegation. Furthermore, observing gender balance, Iraqi permanent missions overseas contain large numbers of women. Iraqi women occupy positions in all United

[10] Source: Official Gazette no. 4383.

Nations offices dealing with Iraqi. There are no State-imposed restrictions preventing Iraqi women from participating in the international sphere. Indeed, there have been women ambassadors and many women work in the diplomatic corps, in Iraqi embassies, representation offices and consulates abroad at a variety of levels, including counsellor, first and second secretary and consul.

202. By the inclusion in the Iraqi Nationality Act No. 26 (2006) of article 4, the legislature sought to ensure the loyalty and sense of belonging to the nation of a person born outside Iraq to an unknown or stateless father. It gives the minister the right to grant such a person nationality within a year from reaching the age of majority. Note, however, that this article is currently under discussion and study by the Ministry of Interior and Council of State with a view to amendment or repeal. There have been no cases registered of nationality applied for or granted under this article since the Act came into force. The Nationality Act considers a person born to an Iraqi mother and foreign (i.e. non-Iraqi) father to be Iraqi, regardless of whether he was born inside or outside the country. This means that the mother's affiliation is taken into account in granting Iraqi nationality, unlike previous laws which disregarded her.

203. As regards articles 7 and 11 of the Nationality Act, there is no substantive or legal difference in the procedures regarding application, period of residence and continuity of the marital bond. Article 7 adds that a foreign man married to an Iraqi woman shall not have been convicted of a felony or a misdemeanour in violation of honour and shall have adequate means of subsistence. The wording of the article is not affected.

204. There is presently a draft amendment to the Nationality Act No. 26 (2006).

Articles 10–14

Article 10 and recommendation 39

205. The Ministry of Education, in the form of the Human Rights Division (Curriculum Section), has incorporated the principles of human rights in textbooks to disseminate a culture of human rights, including the right to education, the right to health care, the right to privacy, the right to freedom of correspondence and communication, the right to equality, the right to liberty and the right to life, as well as the rights of the child and the rights of women. Extracts from the Universal Declaration of Human Rights and the Iraqi Constitution have also been included. Following adoption of the country's new education policy and at the recommendation of the National Committee on Human Rights Curricula, all school curricula now incorporate the concepts and principles of human rights, in line with the nature of the subject and their bearing upon it. In addition to the curriculum, many school projects are designed to impress the principles of human rights upon students and staff. The main textbooks in which these concepts appear are Arabic, English, religious education, social education, sociology, applied economics and bioeconomics.[11]

206. The school curriculum incorporates images of woman as mother, sister, virtuous child raiser and man's partner in building society. In the humanities, such as history, Arabic, religious education and English, the lives of great women are studied and in works of literature, the Iraqi woman is depicted as the symbol of virtue.

207. Textbooks go through a lengthy process of reworking before being introduced in schools.

208. The process of curriculum review is a lengthy one and needs to be done in stages. Each curriculum is reviewed on the basis of a plan drawn up in advance.

[11] Source: Ministry of Education.

Gender stereotypes have been removed from most textbooks and the process of monitoring the removal of stereotypes from the remainder is being carried out gradually.

209. Textbooks contain topics that have a bearing on the participation of women in authority, in social and professional life and, not least, in home and family life. They present a positive image of women's participation.

210. The Constitution requires the State to attend to education. Thus article 34 (first) of the Constitution states: "Education is a fundamental factor for the progress of society and is a right guaranteed by the State. Primary education is mandatory and the State guarantees that it shall combat illiteracy." Article 34 (second) states: "Free education at all stages is a right for all Iraqis."

211. There is no legislation that discriminates between men and women in education, from kindergarten up to university. The Ministry of Education provides free education for children of both sexes at primary level.

212. The Government adopted the National Strategy for Education and Higher Education (2012–2022), developed in collaboration and coordination with international organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF and the World Bank. The Strategy aims to create a system that provides educational opportunities for all to meet the demands of a civilised society, help develop the Iraqi population and entrench the principles of good citizenship, democracy and human rights. The Strategy is designed to reform and develop the education and higher education systems, drawing upon the nature and needs of Iraqi — including Kurdish — society to enable it to progress, while respecting the special characteristics of minority communities. The Strategy seeks to make Iraqi society a powerhouse of knowledge, making optimum use of human, natural, material and financial resources to ensure sustainable development, a decent life, equal opportunities and peace. Under the Strategy, the literacy curricula (including Arabic, mathematics and general knowledge) was revised and fine-tuned with technical support from the UNESCO Office for Iraq. Literacy courses for the minority communities have been published in their own languages.

213. To promote empowerment and halt the spread of illiteracy the Government, in collaboration with the UNESCO Office for Iraq, launched an initiative designed to reduce illiteracy across the country by 50 per cent by 2015. The goals of the plan included eradicating illiteracy in the 15–45 age group, numbering 1,804,676 persons, and achieving a student-teacher ratio of 20: 1 by the end of 2014.

214. The Literacy Act No. 23 (2011) is designed to eradicate illiteracy by implementing a project involving a two-stage period of classroom study, including a basic stage of seven months and a training stage of seven months, with a 15-day break between the two).

215. In school year 2014–2015, there were 1,177 active literacy centres in rural areas and 1,837 in urban areas across Iraq, excluding Kurdistan Region. There were 102,253 young male and female learners in rural areas and 117,185 in urban areas. Classes were suspended this year in Anbar and Ninawa governorates due to the security situation.

216. In school year 2015–2016, there were 434 literacy centres in rural areas and 715 in urban areas across Iraq, excluding Kurdistan Region. There were 30,517 students in rural areas (7,260 males and 23,257 females) and 44,492 in urban areas (8,891 males and 35,601 females). Note that classes were suspended this year in Ninawa governorate due to the security situation.

217. In school year 2016–2017, there were 336 literacy centres in rural areas and 408 in urban areas across Iraq, excluding Kurdistan Region, and a total of 53,415 students (16,141 males and 37,274 females).[12]

218. Literacy centres for minorities in Baghdad, Kirkuk, Basra and Ninawa (representative offices in Erbil and Dahuk) since their foundation in 2014–2015 are listed in annex VIII.

219. The 2014–2018 Government Programme seeks to develop the efficiency of educational and research institutions on the premise that education is the fundamental driver of social advancement, that all Iraqis have the right to education and higher education and that Iraq must strive to develop its citizens' capabilities, restore public confidence in the educational establishment and ensure that graduates are qualified to play an active role in society. The aim is therefore to improve the standard of teaching institutions and staff, introduce modern educational technologies, address the shortage of schools and move towards vocational, technical and knowledge-based education in order to meet labour market needs.

220. The system of double shifts in schools has to be ended. The natural increase in student numbers can be absorbed and a healthy environment ensured by building new schools and upgrading others across the country, as well as by:

(a) Developing the higher education and scientific research infrastructure to absorb the surge in demand in the governorates, determining the intake capacity of each institution and adhering to the design plan;

(b) Completing construction of buildings on schedule, introducing next generation technologies and improving the efficiency of the higher education and scientific research system for the benefit of all;

(c) Promoting scientific research by building a material base and specialist laboratories;

(d) Providing students and teaching staff with the resources needed for science teaching and learning; creating a virtual library;

(e) Keeping abreast of online and technological developments in education and including computing in the curriculum;

(f) Encouraging private educational institutions and stimulating investment to ensure higher standards;

(g) Restructuring teacher training institutions to ensure quality;

(h) Amending the Compulsory Education Act, extending its scope to intermediate schooling;

(i) Fostering the literacy for empowerment initiative;

(j) Continuing the educational initiative programme.

221. The Iraqi Government, in the form of the Ministry of Education, is determined to reduce the official dropout rate at primary and secondary school levels by means of parallel education. Thus the primary school dropout rate fell from 36 per cent in school year 2004–2005 to 1.8 per cent in 2012–2013, rising to 2.2 per cent in 2015–2016. The secondary school dropout rate fell from 3.1 per cent in 2004–2005 to 2.4 per cent in 2012–2013, rising to 3.4 percent in 2015–2016.

[12] Source: Ministry of Education.

222. The Ministry of Education directed education departments to standardise class size in order to curb dropout by reducing overcrowding in classrooms and ill-discipline among pupils.

223. The Ministry of Education directed school administrations to monitor pupils to raise their academic level and prevent failure, which is one of the causes of dropout.

224. To prevent pupils with psychological and social problems from dropping out, the Ministry of Education directed education departments to provide counselling to support families, teachers and pupils.

225. A positive education project has been implemented to determine the causes of violence and change the behaviours that give rise to dropout.

226. "Your right to education" centres were opened to register male and female students between the ages of 10 and 18; the number of female students stood at 827.

227. Implementation of the Compulsory Education Act in monitored.

228. The role of the media in increasing levels of enrolment is promoted.

229. Special schools have been opened to attract unregistered adolescents in the 10–15 age group who have given up school; the number of female students stood at 777.

230. Accelerated learning schools have been opened to attract unregistered adolescents in the 12–18 age group who have given up school; the number of female students stood at 649.

231. The Department of Vocational Training of the Ministry of Labour and Social Affairs) offers training for girls to provide them with qualifications and motivate them to enter the job market.

232. Despite the country's limited material resources due to austerity, the Social Protection Act No. 11 (2014) was adopted and implemented, with special attention paid to women who have lost their provider. Some 503,292 women have benefitted.

233. Training courses have been launched by the Department of Vocational Training and incentive allowances paid to female trainees. Furthermore, 200 beneficiaries have been provided with jobs in the Ministry of Education, paying due regard to gender and with priority given to women who have lost their provider. Action is coordinated with other ministries to find jobs.

Article 11 and recommendation 41

234. The Labour Act (law No. 37, 2015), which came into force on 7 February 2016, defines direct discrimination in article 1(25) as "any distinction, exclusion or preference based on race, colour, sex, religion, denomination, opinion or political belief, origin or nationality." Article 1(26) defines indirect discrimination as "any exclusion, distinction or preference based on sex, age or health situation, economic or social status or trade union affiliation or activity, which has the effect of nullifying or impairing equality of opportunity or equality of treatment in employment and occupation".

235. Article 2 of the Act seeks to secure decent work for everyone without discrimination, while Article 4 stipulates that "work is the right of every citizen capable of working, and the State shall endeavour to provide work on the basis of equal opportunity, without any kind of discrimination." Article 6 (4) refers to the elimination of discrimination in employment and occupation. Article 8 (1) prohibits any transgression or violation of the principles of equal opportunity and equal treatment for whatever reason, in particular discrimination between workers, whether it be direct or indirect discrimination, in all matters relating to vocational training,

recruitment or the terms and conditions of employment. Article 10 prohibits sexual harassment in employment and occupation and any other behaviour that creates a hostile, intimidating or demeaning work environment for those against whom such behaviour is directed. The article defines sexual harassment. Article 11(2) provides for the punishment of those who violate the provisions relating to sexual harassment. Article 42 (1) (c) states that a worker has the right to enjoy equal opportunities and treatment in employment in the absence of any form of discrimination. Article 48 (1) (e) stipulates that a contract of employment may not be terminated in the event of direct or indirect discrimination in employment or occupation.

236. Article 10 of the Act makes reference to the criminalisation of sexual harassment in the workplace, making it a punishable offence.

237. Article 11 of the Act stipulates: (1) A worker subjected to any form of forced labour, discrimination or harassment in employment and occupation has the right to resort to the Labour Court to file a complaint; (2) Violation of the provisions of this section relating to child labour, discrimination, forced labour and sexual harassment shall be punishable by a term of imprisonment of not more than six months and/or a fine of not more than 1 million dinars, as the case may be.

238. The Household Socio-Economic Survey (2014) showed that the proportion of economically active women in work was 78 per cent, up from the 77 per cent recorded in 2012. Annex IX shows the figures of employed and unemployed according to the Survey.

239. The proportion of economically active women employed in the private sector was 29 per cent in 2014, down from the 32 per cent recorded in 2012. The proportion of economically active women employed in the public sector was 46 per cent in 2014, up from 41 per cent in 2012. In other words, there was a rise of five per cent in women employed in the public sector and a fall of three per cent employed in the private sector. This indicates a trend toward public sector employment for women.

Reviewing Sustainable Development Goal 8, on decent work and economic growth, and despite the growing participation of women in the Iraqi workforce, particularly in the education and health sectors, and their improved access to education, it is still the case that women's participation across all sectors in comparison with their counterparts in other countries is low, according to international development indicators. Thus, women's rate of economic activity stands at 14 per cent, compared with 72.1 per cent for men. Women also have a higher rate of unemployment (22.2 per cent) in comparison with men (8.5 per cent). Women's rate of participation in the service sector stands at 52.4 per cent, compared with 33.9 per cent in manufacturing.

Article 12 and recommendation 43

240. There has been an increase in the number of women undergoing early detection scans from 10 to 20 per cent of all those presenting at primary health centres.

241. A system of referral of suspected cases to breast cancer screening clinics has been introduced, using a special referral form containing full information on the woman (age, employment, family history etc.).

242. Mammograms are available for women over 40 at screening clinics across the country without a referral.

243. The number of breast cancer screening clinics in Baghdad has increased to cover the city's needs for the next five years; work is underway on increasing the number of screening clinics to two or more in each governorate.

244. The number of seminars and lectures on breast cancer at primary health-care centres and screening clinics has increased.

245. Nurses are trained to teach women how to conduct self-examination in order to detect the disease in its early stages.

246. Work is carried out in collaboration with civil society organizations to provide patients with psychological support to help them to adjust to their situation, not become isolated and lead a normal life.

247. The media broadcasts bulletins on how to prevent breast cancer, describing its main symptoms and the importance of early detection.

248. Agreement has been reached with the Iraqi Breast Cancer Association on producing a booklet on nutrition for breast cancer patients during and after chemotherapy. Additionally, a special course for grade three intermediate schools on early detection has been updated and is being prepared for sending to the Curriculum Department at the Ministry of Education for inclusion in textbooks.

249. Family planning services are available at health centres as part of the primary health-care package and medical staff receive solid training based on WHO guidelines, which promote awareness among society of the importance of family planning. Under the national strategy for reproductive, maternal and child health (2013–2017), the number of clinics providing family planning services has gradually increased by 20 per cent each year to the point where, in 2016, 60 per cent of major health clinics offered such services. The aim is to roll out access across the entire country.

250. The Ministry of Health is currently conducting a study on the incidence of abortion, currently at the data entry and analysis stage.

251. As part of an action plan promoting pregnant women's health, the Ministry of Health runs campaigns warning of the risks of abortion.

252. The national strategy for reproductive, maternal and child health (2013–2017) stems from the vision of a health-care system founded on primary care and guaranteeing as far as possible, through effective leadership, the delivery of health services to international standards that meet the needs of the individual and society, developing and sustaining the delivery of high-quality health services at the primary, secondary and tertiary levels and ensuring the integration of public and private services. An aim of the strategy is to reduce maternal mortality and morbidity.

253. As regards article 13, we would refer you to our previous report, while adding the following:

254. The second theme of the Government Programme 2014–2018, on the upgrading of living standards and delivery of services to citizens, implicitly includes the empowerment of women. However, given the security and economic situation in Iraq and the social challenges the country faces, which can only be described as exceptional, the Programme does not go into detail about specific measures to be taken to address the position of women, the family and related issues. Instead, it talks about "focusing on preserving the cultural fabric of all elements of Iraqi society, spreading Iraqi culture, supporting young people, who are the strength of the nation, the pillar of its rebirth and source of its dignity, affirming the position of women and their role in society and fostering gender-based programmes". This leaves us to contemplate what serious measures and schemes might be adopted to support women's empowerment, taking into account all the observations and reports on the practical aspects of the Government Programme vis-à-vis this issue. However, the work of the Higher Committee for the Advancement of Rural Women gives some cause for optimism. At the same time, work needs to be carried out in parallel to support the position of women in all social sectors and environments, not only in rural areas.

255. The second theme of the Government Programme 2014–2018, on the upgrading of living standards and delivery of services to citizens, goes on to note a number of basic points, including improving the level of health services, making educational and research institutions more efficient, providing essential services for all citizens, putting in place an effective and efficient social security system, providing a clean and healthy environment, protecting the cultural heritage of the entire community, according concern to young people, women and children, and ensuring economic growth alongside consumer protection.

256. The poverty rate rose from 18.9 per cent in 2012 to 22.5 per cent in 2014. Average monthly family income stood at 1,875.4 thousand dinars in 2014, compared with 1,597.1 thousand in 2012, a rise of 17.4 per cent. Average family size fell by 1.5 per cent between 2012 and 2014. The unemployment rate fell by 10.9 per cent between 2012 and 2014. The following table shows unemployment rates in the period 2011–2015:[13]

Indicators	*2011*	*2012*	*2013*	*2014*	*2015*	*Percentage change*
Unemployment rate	8.3	11.9	–	10.6	–	10.9

258. The national five-year plans (2010–2014 and 2013–2017) embraced the Millennium Development Goals and principles of equality and non-discrimination among all elements of Iraqi society, the alleviation of poverty and mitigation of the impact of the socioeconomic situation on vulnerable groups. The Poverty Reduction Strategy (2010–2014) was designed to run alongside the above plans. The Strategy addressed community ills and the economic, education and health situations. It identified the poverty line, poverty rates and literacy levels in Iraqi society at governorate, district, county, village and environmental levels. The Strategy did not target one particular sect or ethnic group at the expense of another but was designed to afford protection and care for all vulnerable groups.

259. Under the poverty reduction policy 11,090 loans were granted between 1 December 2012 and 27 December 2016; a total of 24,033 loans were granted to small income-generating enterprises between 24 November 2013 and 30 June 2017; some 370 industrial service loans were granted between 1 October 2015 and 30 June 2017; and 388 loans for community rehabilitation projects were granted between 2007 and 30 June 2017.

260. The High Committee for Poverty Reduction Policies was restructured by Cabinet Decision No. 344 (2017), which amended item 3(1) of Cabinet Decision No. 409 (2009) to read: the formation of the High Committee for Poverty Reduction Policies, under the chairmanship of the Prime Minister and with a membership consisting of the Minister of Finance, Minister of Trade, Minister of Education, Minister of Health, Minister of Planning, Minister of Reconstruction, Housing, Municipalities and Public Works, Minister of Labour and Minister of Agriculture, in addition to the Cabinet Secretary, head of the National Investment Commission, Minister of Planning (Government of Kurdistan Region) and executive director of the Poverty Reduction Strategy.

261. In line with the expansion in outreach activity targeting women in society, a rural women's development department was created under the organizational structure of the Agricultural Outreach and Cooperation Board of the Ministry of Agriculture. Rural women's branches were created in agricultural outreach departments across the country in 2005.

[13] Source: Statistical Indicators on the Economic and Social Situation in Iraq (2011–2015).

262. The general aims of the rural women's development department are to develop the knowledge and skills of rural women and encourage them to adopt scientific methods of agriculture in order to help increase production and improve quality, taking advantage of outreach and development programmes to establish small-scale rural women's projects that focus on food industries, cottage industries and crafts to increase income levels and develop the environmental and health awareness of rural women.

263. The duties of the rural women's development department are as follows:

- To help set up agricultural (vegetable and livestock) projects for rural women;
- To develop the knowledge and skills of rural women and girls to enable them to make profitable use of surplus agricultural produce;
- To focus on cottage industries, making use of available primary agricultural resources and implementing productivity schemes to increase the income level of rural women;
- To develop the environmental and health awareness of rural women and stress the importance children's education;
- To instruct rural women in aspects of social and human development;
- To organize agricultural exhibitions and fairs focusing on cottage industries and food industries;
- To convene special forums on agriculture, health and the environment;
- To instruct rural women how to adopt modern scientific methods of agriculture, using audio-visual and print outreach materials;
- To raise the efficiency of rural women by preparing and implementing special training programmes in coordination with the workforce development department and governorate training centres;
- To prepare and distribute outreach pamphlets on the above topics.

264. The rural women's development department consists of the following sections:

- Agricultural village projects, responsible for setting up agricultural productivity projects and village-level industries, using available primary resources (vegetable and livestock) to increase the income level of rural women;
- Cottage industry projects, responsible for developing the knowledge and skills of rural women and girls to enable them to make profitable use of surplus agricultural produce by, for example, making jams and preserves, tomato paste, cheese and dairy products, dried fruits, fruit juices etc.);
- Rural girls development, responsible for developing the knowledge and skills of rural women and girls through training programmes and seminars;
- Social environment outreach, responsible for developing the environmental and health awareness of rural women and their child-raising skills;
- Oversight and monitoring, responsible for monitoring outreach activities designed to build the capacities of rural women and girls and supervising small-scale projects.

265. The Ministry of Labour and Social Affairs has implemented a rural women's development scheme that involves:

- Working in coordination with the now defunct Ministry of State for Women's Affairs and the Agricultural Initiative to obtain loans for rural women to improve their economic and social situation;
- Chairing the women's agricultural loans committee, which receives a 5-million-dinar loan from the Agricultural Cooperative Bank for each small-scale rural women's development project;
- Helping women obtain a loan from the Government-owned Rasheed Bank for small or medium-sized projects; advice is provided on project set-up and on obtaining a loan of between 2 million dinars and 5 million dinars, depending on project value, on the basis of a feasibility study.

266. Under the rural women's development project, the Ministry of Labour and Social Affairs has arranged 4,500 5-million-dinar loans from the Agricultural Cooperative Bank for women to set up income-generating projects in Baghdad and the governorates.

267. The Higher Committee for the Advancement of Iraqi Women, formed pursuant to Executive Order No. 481 (2011), has launched 54 training courses in which 560 rural women have taken part.

268. The Higher Committee takes part in local and international exhibitions to market rural products.

269. The Ministry of Health provides rural women with primary health-care services at health centres situated locally. Services include reproductive health care and health awareness on matters of concern to women of all ages.

270. Rural women are helped to obtain loans from the Agricultural Bank.

271. Health notebooks and training programmes are prepared for rural women.

Articles 15–16
Article 16 and recommendation 53

272. Concerning article 15, we refer you to our previous report and to paragraph 271.

273. Concerning 271, we refer you to our previous report.

274. Reference was made in paragraph 85 to withdrawal of the proposed Ja'fari personal status bill.

275. Article 3 (1) of the Personal Status Code defines marriage as "a contract between a man and a woman who is lawfully permissible to him for the purpose of establishing a bond for a shared life and procreation." The law requires there to be:

- An offer, verbally or customarily, by one of the contracting parties;
- An acceptance, indicating the other party's full agreement.

276. Both parties shall be eligible to contract a marriage if the legal conditions are met and both are sane and have reached the age of majority (i.e. 18 years of age). If she has reached the age of 18, the law does not require the agreement of the woman's guardian to conclude the marriage contract. Witnesses to the marriage must be present to announce the marriage.

277. The law requires both parties (the man and the woman) to be legally competent; the marriage ceremony begins upon each party hearing the other and understanding that what is intended is marriage.

278. The law makes an exception to the eligibility requirement for persons aged under 18 (15 and over). This exception has multiple conditions, including

ascertainment of: the legal eligibility and physical ability of the person in question and agreement of the legal guardian (here, "legal guardian" means the father or, in his absence, the mother). If the legal guardian fails to give his agreement within the period set by the judge or raises an objection within that period or his objection is unworthy of consideration, the judge shall permit the marriage. Similar considerations apply to article 7 (2) (under discussion), on preventing the engagement and marriage of a child and the marriage of a mentally ill person. If a medical report confirms that the marriage of a mentally ill person would entail no harm to society and would be in the person's own interest then, as long as the other party to the marriage accepts unequivocally, the judge can disregard the requirement of sanity and permit the marriage. This exception is not in any way discriminatory, as it applies to both men and women. Accordingly, in response to the Committee's recommendation, marriage of a person under the age of 18 is a legal exception with strict limitations. It is an exception applicable to both parties to the marriage bond.

279. Article 3 (4) of the Personal Status Code, Act No. 188 (1959, amended) stipulates that marriage to more than one woman requires a judge's permission, which is conditional upon the following two conditions being met: (a) The husband shall have the financial ability to provide for more than one wife and (b) There is a legitimate interest.

280. Article 3 (5) stipulates that, if it is feared that there will be unfair treatment between wives, polygamy shall not be allowed; the matter shall be left to the judge's discretion.

281. Article 3 (6) stipulates that a person who concludes a marriage contract with more than one wife in violation of paragraphs (4) and (5), shall be sentenced to a term of imprisonment of not more than one year and/or a fine of not more than 100 dinars.

282. Article 40 (section 2: "Legal separation") of the Personal Status Code, Act No. 188 (1959, amended) stipulates that both spouses have the right to ask for separation for any of the following reasons: (5) "If the husband marries another wife without the permission of the court." In this case, the wife shall not have the right to bring criminal proceedings under article 3(a)(1) of the Code of Criminal Procedure, Act No. 23 (1971), according to article 3(6) of this law.

283. The Federal Supreme Court dismissed an appeal against the legal requirement for a husband to obtain the permission of the court before marrying another woman, on the grounds that this provision regulates and upholds the integrity of society. The Court considered the appeal against the constitutionality of article 40 (4) of the Personal Status Code, requiring a husband to obtain the permission of the court before marrying another woman, and found that the provision does not conflict with the fixed principles of Islam; it is a regulatory stipulation that grants the court the right to ascertain that there is a legitimate interest and that the husband has the financial capacity.

284. Article 10 of the Personal Status Code stipulates that a marriage contract shall be registered without charge in a special register at the competent court in accordance with the following conditions:

- A statement shall be presented showing the identity and age of both contracting parties, the amount of the dowry and the absence of any legal impediment to the marriage. This document shall be signed by the two contracting parties and certified by the mayor of the district or village or by two prominent local persons.
- The statement must be accompanied by a medical report confirming that both spouses are free from contagious diseases or health impediments; other documents required by law shall be attached.

- The contents of the statement shall be entered in the register and signed by the two parties to the contract or impressed with their thumbprints in the presence of a judge, who shall then certify the marriage and give the spouses the marriage certificate.
- The duly registered contract shall come into effect without further ado and be enforceable in respect of matters relating to the dowry unless an objection is raised before the competent court.
- A man who concludes a marriage contract outside the court shall be sentenced to a term of imprisonment of not less than six months or more than one year, or a fine of not less than 300 dinars or more than 1,000 dinars. If a man concludes another marriage outside the court while already married, the term of imprisonment shall be not less than three years and not more than five years.

Recommendation 47

285. Cabinet Decision No. 175 (2015) exempted widows from bureaucratic downsizing.

286. A National Housing Council decision reduced by 75 per cent the cost of housing units in residential complexes that have already been distributed or will be distributed to needy groups, including widows, pursuant to a decision of the Cabinet Secretariat.

287. Five per cent of homes built by the Ministry of Reconstruction, Housing, Municipalities and Public Works are allocated to widows who are not registered with the Martyrs' Foundation or are close relatives of victims of terrorism; homes are to be sold at half-price by instalment over 25 years.

288. Cabinet Decision No. 363 (2017) approved adoption of the poverty database designed by the Ministry of Planning in collaboration with the Ministry of Labour and Social Affairs as a key pillar in the planning and implementation of social policies and programmes targeting the poor.

289. The Cabinet Secretariat has directed all government institutions to appoint widows with a view to granting them soft loans and allocating housing units. As a result, more than 500 widows now have a roof over their head, discounted by 75 per cent and with the balance paid by easy instalment.

290. A total of 398 women, including 19 widows, have received loans under the poverty reduction programme.

291. The Community Upgrade Section of the Ministry of Labour and Social Affairs Loans Department grants operating loans to men and women with not less than 50 per cent disability pursuant to a medical report. Loans of up to 3 million dinars are likewise granted to women heads of household (i.e. widows). Some 22 widows have been benefited from these community upgrade loans.

292. The Training Department of the Ministry of Labour and Social Affairs teaches female trainees domestic skills to help them generate an income on top of the social assistance they receive. The aim is to provide families with an income and allow widows and divorcées to raise their children at home.

293. We refer you to our response to recommendation 29.

294. The Department of Social Protection for Women, attached to the Social Protection Authority of the Ministry of Labour and Social Affairs, was created specifically to look after the welfare of widows and divorcées.

295. We refer you to paragraph 68.

Recommendation 49

296. The death penalty is imposed only for the most serious crimes. Its mandatory nature is determined by law, the circumstances of the offence and the offender; it cannot be pardoned or commuted save in accordance with the Constitution and the law, although a number of legal justifications and mitigating circumstances are set out in section 5 of the Penal Code (Act No. 111, 1969). Article 130 of the Code states that, if there exists a mitigating justification for an offence that attracts the death penalty, the penalty shall be reduced to life imprisonment, a fixed term of imprisonment or detention for a period of not less than one year; if the offence attracts life imprisonment or a fixed term of imprisonment, the penalty shall be reduced to a period of detention of not less than six months, unless otherwise stipulated by law.

297. Article 132 states that, if the court considers that the circumstances of a felony offence or the offender call for leniency, it may substitute a lesser penalty for the penalty prescribed for the offence, as follows: (1) The death penalty may be replaced with life imprisonment or imprisonment for not less than 15 years; (2) Life imprisonment may be replaced by fixed-term imprisonment; (3) Fixed-term imprisonment may be replaced by a period of detention of not less than six months.

The circumstances in which punishment is waived or reduced for different kinds of offences are defined elsewhere in the Penal Code, including articles 59, 199, 218, 229, 273, 258, 303 and 311. Those provisions give judges broad powers of discretion when determining appropriate punishment for convicted persons, allowing them to take account of the circumstances of the offence and of the offender. In the event of any violation of fair trial procedures, sentences and rulings delivered by the court may be appealed by the representative of the Public Prosecution Service, the accused party or his or her lawyer, or the civil party, in accordance with the Code of Criminal Procedure (Act No. 23, 1971, amended). The sentence or ruling may also be challenged in cassation before the Federal Court of Cassation or the criminal court acting as a court of cassation. The cassation judgment may be corrected, and a retrial ordered, pursuant to articles 249–279 of the Code of Criminal Procedure.

298. Act No. 62 (2017) has been promulgated, annulling Decision No. 1631 (1980) of the dissolved Revolutionary Command Council on the grounds that it was incompatible with the punishments for other crimes of robbery stipulated in the Penal Code (Act No. 111, 1969).

Procedures prior to execution of the death sentence

299. Before executing a sentence of death, the following must be observed:

(a) The condemned person may only be executed after the sentence has become final and been upheld by the Federal Court of Cassation;

(b) A person sentenced to death by any Iraqi court may only be executed after a republican decree has been issued, signed by the President of the Republic;

(c) The condemned person shall be held in prison, in the place appointed for those awaiting execution;

(d) The relatives of a condemned person have the right to visit him in prison on the day before the day set for his execution; the prison authorities are responsible for informing his relatives accordingly.

Execution of the death penalty

300. Article 285 and 293 of chapter 2, book 5 of the Code of Criminal Procedure (Act No. 23, 1971) set out how the sentence of death passed on a person convicted of

committing a crime is to be carried out. Articles 288 and 289 of the Code clarify how the death sentence is to be executed, as follows:

1. The condemned person shall be brought to the place of execution inside the prison; the prison governor shall read the republican decree on execution of the sentence at the place of execution in the hearing of all present. If the condemned person wishes to make a statement, the judge shall keep a record thereof, signed by the execution committee.

2. The death sentence shall be carried out by hanging by the neck until dead inside the prison or at any other place in accordance with the law.

3. The execution shall be witnessed by the execution committee, consisting of a Misdemeanour Court judge, a member of the Public Prosecution Service, a representative of the Ministry of Interior, the prison governor, the prison doctor or other doctor appointed by the Ministry of Health; the convicted person's lawyer may attend if he so requests.

4. Once the sentence has been carried out, the prison governor makes out the execution report, in which the doctor confirms death and time of death; the report is signed by the execution committee.

In this way the sentence of death is carried out on a person convicted of certain crimes.

Restrictions on executing the death penalty

301. The death penalty may not be carried out on public holidays and the feast days of the condemned person's religion, as these are sacrosanct national and religious occasions. Article 290 of the Code of Criminal Procedure (Act No. 23, 1971) is consistent with article 91 of the Code of Military Criminal Procedure (Act No. 30, 2007) in this respect.

302. Article 2(first) of the Constitution states: "Islam is a foundation source of legislation" and paragraph (a) of that article states: "No law may be enacted that contradicts the fixed provisions of Islam." Islamic sharia proceeds on the basis of the principle of the right to life and that retribution is a deterrent to crime. Although Islam tends at all times toward pardon (as pardon is closer to piety), the death penalty is necessary to ensure the safety and security of the community.

303. Article 150 of the Penal Code (Act No. 111, 1969, amended) sets out the reasons for the lapse of an offence, including general amnesty. Amnesty can be either general or special. General amnesty is issued by law and results in the expiry of the case and quashing of the conviction. All primary, incidental and supplemental penalties, as well as precautionary measures, also lapse but it has no effect upon penalties previously implemented, unless the amnesty law states otherwise. Special amnesty is issued by republican decree and results in the lapse in whole or in part of a sentence on which a final verdict has been reached or its commutation. Unless otherwise stated in the amnesty decree, special amnesty does not result in the lapse of incidental and supplemental penalties, other partial effects or precautionary measures and it has no effect upon penalties previously implemented.

304. Article 73(first) of the Constitution gives the President of the Republic the authority to issue a special pardon on the recommendation of the Prime Minister, excluding private claims or persons convicted of international crimes, terrorist crimes or financial and administrative corruption.

305. Article 287 of the Code of Criminal Procedure (Act No. 23, 1971) stipulates the following: (a) If a condemned woman is found to be pregnant when the execution order arrives, the prison governor shall advise the chief of the Public Prosecution Service, who shall submit a memorandum to the Minister of Justice delaying

execution of the sentence or commuting it. The Minister of Justice shall submit the memorandum to the President of the Republic. Execution of the sentence shall be postponed until a new order is issued by the Minister of Justice pursuant to the decision of the President. If the new order demands execution, the sentence of death shall be carried out after the passage of four months from date of giving birth, regardless of whether delivery occurs before or after the arrival of the order; (b) Paragraph (a) shall apply to a condemned woman who gives birth before the arrival of the execution order and less than four months have passed since delivery. The sentence shall not be executed until four months have passed from date of delivery, even in an order reaffirming execution has arrived.

306. Article 37 (first) (c) of the Constitution stipulates: "All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under duress, threat or torture shall not be admitted and the victim shall have the right to seek compensation for material and moral damages incurred, in accordance with the law."

307. Iraqi law contains a raft of measures designed to punish persons involved in violations of human rights, including torture and other forms of cruel, inhuman or degrading treatment or punishment, or violations of fundamental freedoms. Articles 333 and 421 of the Penal Code (Act No. 111, 1969, amended) make clear reference to the punishment of persons who practise any form of torture, either directly or by incitement. Other relevant provisions can be found in section two of the chapter on freedoms in the 2005 Constitution, while guarantees of protection for accused persons are contained in articles 92, 123–128 and 156 the Code of Criminal Procedure.

308. The legislature addresses the crime of torture in article 333 of the Penal Code, which stipulates that any public official or agent who tortures or orders the torture of an accused person, witness or expert in order to compel him to confess to a crime, make a statement, provide information, withhold information or give a particular opinion thereon shall be sentenced to imprisonment or penal servitude. The Code treats the use of force or menace as torture. Furthermore, Iraqi legislators take psychological torture very seriously and consider it to be equal to physical torture. This is stated explicitly in article 421 of the Penal Code, on unlawful detention and the deprivation of liberty, where paragraph (b) stipulates that an aggravating circumstance is "if the offence is accompanied by the threat of killing or physical or mental torture".

309. Paragraph 2 of section 3 (Penalties) of Order No. 7 of the dissolved Coalition Provisional Authority states: "Torture and cruel, degrading or inhuman treatment or punishment is prohibited". Torture is also held to be a crime by the legislature. Thus article 332 of the Penal Code reads: "Any public official or public servant who uses his position to inflict cruelty upon another person, thereby violating that person's dignity and honour or causing bodily suffering, shall be punished by detention of not more than one year and/or a fine of not more than 100 dinars, without prejudice to any more severe penalty in law."

310. The legislature has adopted a wide-ranging approach to dealing with the effects of torture in all its forms. In fact, Coalition Provisional Authority Memorandum No. 3 amended part of article 218 of the Code of Criminal Procedure (Act No. 23, 1971), which requires that confessions shall not have been extracted by coercion.

311. The Iraqi Correctional Service has special sections for holding women on remand. These work in coordination with the Supreme Judicial Council to complete the legal documentation of cases. Once assigned to the proper section on the basis of age group, type of crime and term, women are allowed to appoint a lawyer to follow up their cases in court. They are encouraged to enrol in training courses of their

choice, in accordance with their mental and physical abilities. Courses are held in special workshops and include dressmaking, embroidery and hairdressing. Women are allowed to benefit from what they learn in these courses to earn a modest income to meet their material needs. They also attend general knowledge, educational and religious classes as part of a literacy programme and have the opportunity to complete their schooling. Religious guidance is provided.

312. The Iraqi Correctional Service receives female detainees from police stations around the clock to avoid them having to spend more than 24 hours in a detention centre. The admission process requires a warrant issued by the examining judge. The detainee's file, including the warrant, personal status document and identity card, is checked. An examination is conducted by the Forensic Medicine Institute to check for external signs of violence or torture and an ultrasound scan is carried out if the detainee is pregnant. The detainee then signs the medical report and impresses it with her thumbprint to confirm that the information is correct. If external signs of violence or torture are found, the Public Prosecution Service is informed and legal proceedings initiated. The detainee is provided with basic requirements, including blankets, cleaning materials and a bed, in accordance with the rules. All valuables, such as gold jewellery, are retained in safe-keeping; detainees are given access to these. Detainees are brought before the court on the basis of a warrant from a competent judicial body, accompanied by a team from the detainee transfer section and the court. A female guard from the Correctional Service remains with detainees until a judicial order is issued for their release or return to detention until their case is decided.

313. The Iraqi Correctional Service admits female convicts under the same rules as female detainees. An inmate file is opened and special card issued. The sentencing body and criminal registry are contacted to confirm the accuracy of the information. Inmates are housed on the basis of type of case and length of sentence until sentence has been completed and they are released. Inmates are offered training and qualification programmes. Full legal support is provided by the legal division to facilitate the processes of admission and release. Inmates are released on the same day that a court orders their release. Unless a stay of release is requested, they are released directly without reference to the sentencing body. Inmates can receive regular visits from their lawyers, except on holidays.

314. Preparations are made to house female inmates as soon as they enter prison. They receive psychological and social care and psychological support is offered as part of the admission process.

315. By law, female inmates are allowed to look after children under the age of three. A special area is set aside for pregnant inmates and nursing mothers and children's requirements, in terms accommodation, feeding and treatment, are provided for.

316. As far as possible, women inmates are held in or close to the areas where they live to facilitate family contact.

317. Personal and family information on inmates and their children is held on file in order to provide proper means of support; this information is kept confidential.

318. Inmate accommodation is provided with adequate lighting, ventilation, air-conditioning and toilet facilities to ensure a healthy environment for inmates and children.

319. Inmates receive health care, including thorough check-ups, in prison medical centres, supervised by specialist staff. A health file is opened for each inmate, containing full information, to ensure they receive the proper treatment.

320. Families are notifi :f inmates have an accident or contract a chronic disease.

321. Inmates are provided with proper meals three times a day, with due regard paid to sufferers from chronic conditions and inmates with children.

322. Inmates are allowed to have contact with the outside in form of official visits at least twice a month.

323. To safeguard their health, inmates receive counselling and instruction on avoiding the dangers of prohibited substances, particularly narcotics.

324. To maintain the family bond, contact between inmates and their children, especially those of a certain age, is ensured by means of official visits.

325. If diagnosed as medically necessary, inmates are taken to hospital for surgery. Inmates are also taken to hospital to give birth. Place of birth is not recorded on the birth certificate.

326. Inmate areas, quarters and personal effects are inspected in a manner that safeguards their dignity and rights.

327. Inmates are enrolled in training and qualification courses appropriate to their mental and physical abilities in order to occupy their free time and teach them the professions and trades they will need after release.

328. Inmates who breaks the rules are treated in accordance with human rights principles and punished in accordance with the regulations. Punishment is approved by a special investigation committee, taking into consideration the inmate's psychological and social condition.

329. Complaints boxes are situated inside women's prisons, ensuring that inmates can exercise their right to lodge complaints if they have been subjected to mistreatment by prison authorities. There are also complaints boxes in visiting areas, where inmates' families can lodge complaints.

330. To ensure their well-being, physical restraints are not used on inmates during labour or immediately after delivery.

331. Female inmates with special needs are provided with the means to help sustain life during their incarceration; these include wheelchair, crutches, western-style WC and appropriate treatments.

332. Work is carried out in coordination with the appropriate bodies and institutions to find suitable accommodation for female inmates upon their release after serving their sentences, particularly inmates who have no provider or family or whom it is feared might be killed or return to a life of crime.

333. The Ministry of Education supplies female inmates with the prerequisites for study and learning during incarceration, whether at the level of basic literacy or other educational levels.

334. Most of the large model prisons attached to the Iraqi Correctional Service have been subject to attacks and acts of sabotage by terrorists, particularly ISIL terrorist gangs. The solution adopted by the Service is to build large, model prisons, such as Hillah, and expand other ones, such as Nasiriyah Central Prison.

335. As regards the delivery of suitable health care, especially for pregnant inmates, each section of the Iraqi Correctional Service that houses female inmates has a health centre staffed with female doctors and nurses employed by the Ministry of Health, as well as guard nurses. For surgery or in case of emergency, inmates are sent to hospitals on the outside. Prison laboratories have all necessary equipment, including ultrasound. Mentally ill inmates undergo a medical examination by a psychiatrist. Inmates are also examined from time to time by a dermatologist. Examinations are conducted in coordination with the Ministry of Health.

Recommendation 54

336. Iraq continues to study accession to certain international conventions, including United Nations human rights conventions, and is formulating ideas for implementing them nationally, while waiting for the right time to go ahead. Note that Iraq has granted the Independent High Commission for Human Rights the power to receive complaints from individuals. This is one of the measures designed to prepare the ground for accession to the Optional Protocol.

337. Amendment of article 201(1) of CEDAW is one of the topics currently being studied.

Recommendation 55

338. Iraq has adopted the Beijing Declaration and Platform for Action as a frame of reference for all its policies designed to advance the position of women and eradicate gender-based discrimination.

Recommendation 56

339. Iraq is at the forefront of nations monitoring progress in implementing the Millennium Development Goals. Iraqi women have faced many hardships and borne the heaviest of burdens in recent years due to environmental, social and economic changes and difficulties, in addition to the responsibilities of caring for a family which they must bear. This has driven stakeholders anxious to achieve the 2030 Agenda for Sustainable Development to continue their efforts and form committees and working groups to mainstream the gender perspective and women's empowerment in all areas of development activity with a view to achieving the Agenda. The Agenda contains 17 goals and 169 targets, of which 12 goals involve the perspective of gender and women's empowerment in one way or another. These goals include 47 gender-sensitive global indicators and 33 indicators of women's empowerment. Annex X shows a base of Millennium Development Goal indicators published by the Central Statistical Organization in the report on Millennium Development Goals in Iraq in 2014, with an overview of the post-2015 situation.

340. We would like to state that the gender perspective is mainstreamed in the short and medium-term development plans designed to achieve the goals and targets of the 2030 Agenda for Sustainable Development.

341. Two specialist teams — the Human Development Team and the Population and Development Team — attached to the National Committee for Sustainable Development and chaired by the Minister of Planning have been formed. These two teams are committed to achieving the 2030 Agenda, particularly goal 5 (gender equality).

Recommendation 57

342. The concluding observations and recommendations made to Iraq following discussion of its 2014 report were circulated to State institutions for perusal and comment on ways and means of implementation. The now defunct Ministry of Human Rights printed an information booklet containing the concluding observations and text of the Convention and a workshop was held in collaboration with UN-Women. This was attended by stakeholders, including the State legislature, judiciary and executive, the media and civil society organizations. The concluding observations were circulated at the workshop and the information booklet distributed to attendees in order to inform Iraqi society of the Convention and the concluding observations. We enclose a copy of the booklet, containing the text of the Convention and the concluding observations.

Recommendation 58

343. The Ministry of Foreign Affairs is tirelessly engaged in seeking the support of international bodies and instructs Iraqi missions overseas to contact and work in coordination with them. Pursuant to international human rights law, the recommendations of treaty committees and Human Rights Council resolution 28/32, on technical assistance and capacity-building in strengthening human rights in Iraq in the light of the abuses committed by ISIL terrorist gangs, the Iraqi representative office in Geneva has made regular requests to the Office of the United Nations High Commission for Human Rights in Geneva to provide the human rights technical assistance sought by Iraq. As a result, the Office of the High Commission, in collaboration with Iraqi bodies, now runs training courses on human rights issues and the drafting and writing of national reports.

344. The speeches of Iraqi diplomats continue to include reference to the issue of providing technical assistance to Iraq, particularly psychological and material support for female victims of sexual violence as a result of the abuses committed by ISIL terrorist gangs post-2014. Their speeches also include reference to the need for various United Nations bodies to support Iraqi Government programmes in this area.

345. On 26 November 2016, a discussion group entitled "The role of civil society in combating violence against women and girls and measures to protect them", was organized by the Cabinet Secretary, in collaboration with the United Nations Assistance Mission for Iraq (UNAMI).

346. In 2016, Ms. Dina Zorba was appointed UN-Women Representative in Iraq.

347. Iraq was a sponsor of resolution A/C.3/71/L.15/REV.1, on intensifying global efforts for the elimination of female genital mutilation, adopted by consensus on 7 November 2016.

348. Iraq voted in favour of resolution A/C.3/71/L.21/REV.1, on intensification of efforts to prevent and eliminate all forms of violence against women and girls: prevention and elimination of domestic violence.

349. Iraq, represented by the Cabinet Secretary, Ministry of Foreign Affairs and Kurdistan Region, participated in the sixty-first session of the Commission on the Status of Women, on 13 March 2017. Three statements were made in other interactive ministerial dialogues on the status of women.

Recommendation 59

350. The subject of the possible accession of Iraq to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is still under discussion because the criteria of the Convention are inconsistent with the provisions of existing legislation, including the Workers' Pension and Social Security Act, the Labour Act, the Trade Union Organization Act, the Social Protection Act and the instructions issued pursuant thereto, including those on the employment of foreigners in Iraq; the criteria are also inconsistent with national mechanisms.

351. The central committee formed by Ministerial Order No. 11/11/496 (19 June 2016), which is responsible for drafting and writing treaty reports, recommended that Iraq should not accede to the Convention at the present time for the reasons given in paragraph 350.